

Equestrian Access in Scotland: Horse Riding, Carriage Driving and Managing Land Responsibly

Under the Land Reform (Scotland) Act 2003, horse-riders and carriage drivers enjoy a right of access to most land in Scotland, provided that they behave responsibly. Land managers in turn are obliged to respect equestrian access rights and take proper account of the right of responsible access in managing their land.

The Scottish Outdoor Access Code gives guidance on how the requirements to behave responsibly can be met. See – www.outdooraccess-scotland.com

Courtesy, consideration of others' needs, and good **communication**, are key to ensuring co-operation between equestrians and land managers.

Scottish Land & Estates and the **British Horse Society Scotland**'s joint guidance will help horse-riders, carriage drivers and land managers understand and respond to each others' needs in Scotland's outdoors.

The guidance comprises of:

- Summary for riders, carriage drivers and land managers
- [Detailed guidance about equestrian access on different types of land use](#)
- [Good Practice Case Studies](#)



Scotland

This guidance has been developed with financial assistance from:



Summary for riders, carriage drivers and land managers

EQUESTRIAN ACCESS IN SCOTLAND

Horse riding, carriage driving and managing land responsibly

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Introduction

Riding and carriage driving is enjoyed by an increasing number of people of all ages, backgrounds and abilities. For the majority of these people, the main attraction is the opportunity to enjoy the outdoors on horseback or by horse-drawn carriage off-road. Apart from the intrinsic pleasure, off-road riding and driving is often essential to the training of competition horses. Hills are great for getting horses fit, and grass, stubble or bare earth provides a much more cushioned surface which allows faster going than hard surfaced tracks or roads.

However, many landowners and managers are concerned about the implications of equestrian access and how it might affect their own activities or others keen to enjoy the outdoors on foot or cycle.

This guidance has been produced by British Horse Society Scotland (BHSS) and Scottish Land & Estates to:

- foster mutual understanding and respect between horse riders, carriage drivers and land managers;
- suggest sources of further help and advice;
- identify how conflict can be avoided, or where necessary resolved.

Other relevant publications produced by BHSS include:-

- Are You Riding Responsibly?
- Equestrian Access Factsheets
- Horseriding and Carriage Driving on Scotland's Towpaths
- Outdoor Access and Dung Guidance

All of these are available online at www.bhsscotland.org.uk/Pages/access.html, or hard copies are available on request from BHSS.

Copies of Scottish Land & Estates' "Managing Access" publication which provides advice for land owners and managers on outdoor access are available for £10 on request from Scottish Land & Estates (full contact details are included at the end of this guidance).

Land Reform (Scotland) Act 2003

The Land Reform (Scotland) Act 2003 has fundamentally altered the legal basis for outdoor access in Scotland. The public, including horse-riders, carriage drivers, walkers and cyclists, now enjoy a right of access over most land and inland water in Scotland, provided they behave responsibly. Exactly what this means in terms of equestrian access is explained in detail in the Scottish Outdoor Access Code (the Code) and summarised below. The Act and accompanying Code can be viewed in full via www.outdooraccess-scotland.com.

Scottish Outdoor Access Code

The Code offers guidance for both the general public and land managers on how to exercise access rights and manage land responsibly in accordance with the legislation.



Enjoy Scotland's outdoors responsibly

Everyone has the right to be on most land and inland water providing they act responsibly. Your access rights and responsibilities are explained fully in the Scottish Outdoor Access Code.

Whether you're in the outdoors or managing the outdoors, the key things are to:

- **take responsibility for your own actions**
- **respect the interests of other people**
- **care for the environment.**

Visit outdooraccess-scotland.com or contact your local Scottish Natural Heritage office.

KNOW THE CODE BEFORE YOU GO
SCOTTISH OUTDOOR ACCESS CODE outdooraccess-scotland.com

Who do rights of equestrian access apply to under the Land Reform Act?

- Individual horse riders and carriage drivers
- Groups of individuals riding or carriage driving together
- Some types of commercial activity such as pony trekking
..... ***all those exercising access rights must do so responsibly.***

Neither horse riders or carriage drivers, or any other member of the public exercising their right of responsible access, are obliged to seek prior permission or to consult with land owners and managers, unless they wish to access land for activities which are not included within the provisions of the Land Reform Act (see below). Some horse-riders or carriage drivers may however choose to contact land owners/managers to determine what they might meet along the way, for example to check whether gates are wide enough.

Where do rights of responsible equestrian access apply under the Land Reform Act?

Access rights can be exercised over most land and inland water in Scotland including:

- most paths and tracks
- open countryside – hills, mountains, moorland, grassland
- land in which crops have not been sown, including stubble
- margins of fields where crops are growing or have been sown
- grass fields provided they are not hay or silage fields at a late stage of growth
- woodland and forestry
- riverbanks, loch shores, beaches and the coast

..... provided people act responsibly and follow the guidance in the Scottish Outdoor Access Code

Equestrian activities which are NOT included in the right of responsible access:

- hunting
- being accompanied by a dog which is not under proper control
- Motorised or mechanically propelled vehicular access
- parking of lorries, trailers or other vehicles

Anyone wishing to carry out any of the activities listed below, on land which they don't own/manage, should seek prior permission from the land owner / manager:

- repetitive schooling
- use of facilities such as custom made gallops or cross country jumps
- building structures such as jumps or obstacles

What does riding and carriage-driving responsibly mean in practice?

The access legislation defines responsible behaviour for those taking access as not unreasonably interfering with the rights of others. To achieve this in practice means following the Code's guidance and making every effort not to cause significant damage or disturbance. For riders and carriage-drivers, the things to think about include:

- respecting the privacy and peace of mind of those living in the countryside
- not causing damage to route surfaces, fences, gates or crops
- not hindering land managers' activities
- not causing undue stress or concern to livestock, and
- being considerate of others' enjoyment and use of the countryside.

Remember that anyone who is not exercising their access rights responsibly can be asked to leave.

How to exercise your access rights responsibly as a horse rider or carriage driver

More detailed guidance on responsible riding and driving according to different types of land use is provided in: [Detailed guidance about equestrian access on different types of land use.](#)

- ✓ Respect people's privacy and peace of mind – an area around houses and other buildings is excluded from access rights to enable a reasonable level of privacy and security to be maintained.
 - Be considerate when parking if riding away from home – do not block tracks or obstruct entrances to fields or buildings.
 - Keep a sensible distance from people's houses
- ✓ Avoid causing any unnecessary damage.
 - Riding on firm or hard surfaces such as wide paths or tracks and well drained ground causes few problems.
 - Avoid regular use of soft or unsurfaced paths and tracks, or riding across fields, during very wet weather, when the surface is easily churned up by horses' hooves
 - Look behind you and see how much impression your horse's hooves or carriage wheels are making.
 - Take extra care to prevent damaging fragile natural habitats and to avoid disturbing more sensitive birds and animals, particularly during the breeding season
 - Be aware of the cumulative impacts of riding or driving, whether caused by you as an individual riding the same route frequently, or numerous different riders – remember that the weight of a horse means that hooves disturb ground far more easily than feet, particularly when the ground is wet. You may only occasionally use a route, but are your hoofprints likely to encourage others to use the route?

- Look after the places you visit and routes you enjoy: take only memories, leave only hoofprints.
- ✓ Avoid interfering with land managers' activities.
 - Riding on recognised paths and tracks - provided you are not causing damage to these and they can sustainably support equestrian use – makes it easier for farmers and foresters to provide for and manage public access.
 - Leave all gates as you find them.
 - Be prepared to adjust your route and/or pace to enable these activities to go ahead unhindered. If you come across someone gathering livestock, felling or extracting timber, carting corn or ploughing a field, consider whether there is a viable alternative route – remember that the other person is trying to make a living and may well be under pressure to get finished before the weather breaks.
 - Be aware of and keep a safe distance from land management activities on land which you ride or drive across.
 - Take notice and pay due respect to reasonable requests to avoid certain areas, and to notices about potentially dangerous activities such as shooting, timber felling or deer control.
 - Keep a safe distance and take heed of reasonable advice provided by the land manager to ensure that you do not hinder their work.
 - Be an educated horse rider, understand land use and the farming year and be sympathetic to farmers' and foresters' needs and concerns, particularly when under pressure to harvest crops.
 - ✓ Take particular care entering fields with other livestock.
 - Consider whether there is an alternative route which would avoid disturbing livestock, particularly when riding or driving through fields with lambs, calves or other horses.
 - Restrict the pace to a walk when passing through or near other livestock.
 - Give all grazing animals a wide berth, particularly cows with calves, and bulls.
 - ✓ Remember that your duty of care includes others enjoying the outdoors.
 - Control of your horse is YOUR responsibility.
 - Restrict your pace to the extent of your visibility: no-one should be confronted by a horse cantering around a blind bend.
 - Be prepared to give way to walkers and cyclists and be particularly careful when passing young or old people.
 - Respect others enjoying the outdoors and always pass pedestrians at a walk – bear in mind that some people may find horses intimidating. Take particular care on narrow paths and those used by people using wheelchairs or with pushchairs. Be prepared to dismount and lead your horse.
 - ✓ **Respect the privacy, safety and livelihoods of those living or working in the countryside – most of the farmland and forestry you will ride through is someone's workplace.**

Dogs: The access legislation requires that you keep your dog under “proper control” when exercising access rights. The Code refers to places where it would be irresponsible to take a dog such as fields with lambs, calves or other young animals, and fields of fruit or vegetables (unless you and your dog are on a path). The Code also refers situations when dogs should be under “close control”, which means that your dog should respond promptly to

your commands and be kept close at heel. If you are riding with your dog, it is particularly important that you are sure your dog will lie down and stay or come immediately on command, since you do not have the same opportunities for physical intervention that you would if you were on foot. Take particular care to avoid disturbing wildlife or game during the breeding period.

Help yourself!

- Be safe and be seen, particularly when riding through woodland or other areas close to where shooting may be taking place.
- Take heed of advisory signage about land management activities.
- If you are not sure what impact you might have riding or driving somewhere, then it is worthwhile talking with the land manager or others who can tell you more about local conditions.

Organised groups, events and commercial equestrian activities

As a general rule, the larger a group or event, or the more regularly use is made of a particular path or place, the greater the risk of environmental damage or unreasonable interference with the rights and needs of land managers and other people, and the greater the need for courtesy, consideration and communication.

Although it is not necessarily required by law, most people would consider it only polite for those whose livelihood benefits in whole or in part from equestrian access on other people's land (such as trekking centres or livery yards) to consult with land managers about the routes they propose using, or which their clients are likely to use on a regular or intensive basis. Remember that if excessive damage or other problems arise from the use of particular routes or areas, this could be considered to be irresponsible use and might jeopardise continued access. It is usually in everyone's best interests to discuss paths, tracks or other areas which are likely to be used frequently or by large numbers of horses.

Key points to remember if you are organising an event or running a business:

Part 3 of the Code gives advice to organised groups, event organisers or those running a business. This is relevant to organising or taking part in, for example, charity and fun rides involving numerous riders (say 12 or more), endurance rides and to those running livery yards, riding stables and so on. The parts of the Code most relevant to equestrian events or commercial activities say:

- obtain the permission of the relevant land manager(s) if, due to the nature of the event or the number of people involved, it is likely to hinder land management operations, interfere with other people enjoying the outdoors or affect the environment to an unreasonable extent. Provision of any new or temporary facilities or services which you might require will need to be negotiated as well. For larger events, make sure that you minimise impacts on the interests of other people and the environment;
- if you run a business which utilises access rights, show extra care by minimising the impacts of your activities and by trying to talk to the land managers who are responsible for places that you use regularly or intensively.

What responsibilities do land managers have under the Land Reform Act?

The access legislation places an obligation on landowners to manage land and inland waters in ways that take proper account of the right of responsible access. It defines responsible behaviour for land managers as not unreasonably interfering with the public right of access. The Code interprets this requirement as not deliberately or unreasonably obstructing, hindering or discouraging people from exercising the right of responsible access. Where restrictions on access rights are required for genuine reasons, these should be proportionate to the situation.

What you can do as a land manager to meet your responsibilities in terms of equestrian access

- ✓ Do not purposefully or unreasonably prevent, hinder or deter equestrian access users, and others from exercising access rights on or off paths.
 - Avoid locking gates wherever possible. If it is necessary to lock a gate on a well used route (e.g. to prevent illegal use by motorbikes or 4WD vehicles or where there is a risk of livestock straying) a suitable alternative means of access for non-motorised use should be provided. Your local access officer or the organisations listed in the contact section of this guidance can advise on designs and potential funding assistance.
 - Where appropriate, take equestrian access into account when replacing gates, erecting or replacing field boundary fencing or walls, particularly at the intersection with paths and tracks. Use the least restrictive option possible: self-closing bridlegates or field gates which can be locked but which incorporate an integral self-closing section, are preferable to restrictive kissing gates and stiles which may unreasonably restrict access to many walkers and cyclists as well as equestrians.
 - Ensure that signs requesting equestrians and others to avoid certain areas are necessary and that they are removed once the hazard has ceased.
 - Avoid the use of signs and notices that are worded in a way which intimidates or deters access.
 - Ensure you don't make a path or track unnecessarily difficult to use, for example by dumping materials or leaving machinery across it. Core paths and rights of way which are disturbed by ploughing should be reinstated within 14 days.
- ✓ If and when it is necessary to temporarily restrict rights of access along a path/track or through a field or other area, for example when handling sheep at a gateway on a track, when crop spraying or harvesting timber:
 - Briefly explain why the restriction or diversion is necessary.
 - If possible suggest and clearly waymark a practicable alternative.
 - Limit any diversions or requests to avoid certain places to the minimum area and duration required.
 - Remember that the public will respond best to reasonable requests.
- ✓ Positively manage public access to minimise interference with your land management
 - Take access rights, and the routes riders and others already use, into account when planning and implementing any major land use change or development.
 - Waymarked paths and tracks can be a good way to encourage riders and carriage drivers to use areas where you would prefer them to be.
 - Use advisory signage when you need to alert people to activities or risks which might not otherwise be obvious, for example when shooting is taking place, but make it clear where and when the risk applies, and remove the signs when the risk is over.

Help yourself!

- ✓ Some financial assistance for paths creation, waymarking, replacing gates and other measures to help facilitate public access is available through the Scottish Rural Development Programme.
- ✓ Ask your local equestrian access group or BHSS access representative how they might be able to help you manage equestrian access on your land. They may well be willing and able to provide or fund replacement or installation of suitable bridlegates or help with other work that would improve the situation for both of you.
- ✓ Work with your local authority to help identify paths or routes across your land which are suitable for equestrian access and help to integrate access and land management.

Consideration and Communication: General Advice to Riders, Carriage Drivers and Land Managers

Courtesy, consideration of others' needs and good communications are the key to peaceful co-existence between land managers and those keen to walk, cycle, ride or carriage drive in the outdoors. People generally respond to you in the way you approach them, so consideration of their needs is likely to be met with consideration of your needs, and polite and reasonable requests are likely to engender a positive response.

- Try and look at things from both sides. We all tend to see the world through our own eyes, yet understanding the needs and aspirations of others is often the key to resolving or avoiding any conflicts. See - [Detailed guidance about equestrian access on different types of land use](#)
- A courteous and tactful approach works wonders.
- A friendly wave and a smile goes a long way towards good relations. It will reassure riders that their responsible behaviour is appreciated, and reassure farmers and land managers that they too are respected.
- Talking with each other helps build trust and confidence. It's all too easy to be in a rush all the time, but a few minutes spent explaining what is happening in terms of land management, or why as a rider you particularly appreciate a certain route or area, helps everyone see things from the other's perspective.

Communication through Signage

As well as face-to-face communications, and sharing information using media such as the internet, signage is an important tool for managing responsible access. It is a simple and effective method of communication between the people who own or manage land and those who take access on it. Signage can help everyone exercise their access rights responsibly, allow land managers to carry out operations safely and to provide opportunities for everyone to enjoy the outdoors. Signs which are time limited and that explain the reasons for the request are likely to be the most effective. On the other hand, signs which are badly worded, uninformative or inappropriate, are more likely to be ignored.

The Outdoor Access Scotland website provides links to further signage guidance including when to use signage. It also provides a number of standard templates which can be downloaded from;

<http://www.outdooraccess-scotland.com/default.asp?nPageID=364&nSubContentID=0>
Paths for All Signage Guidance is <http://www.pathsforall.org.uk/outdooraccess/article.asp?id=796>

Key points to bear in mind about signage

- ✓ Signs should be accurate and comply with the Code.
- ✓ All signs should be written with a clear purpose and audience in mind.
- ✓ People are more likely to comply with messages and signs if the sign clearly identifies the message provider (i.e. name, contact, web address etc)
- ✓ Think about the height of signs, and the size of text, so that they are legible by everyone, whether on foot, cycle or horseback – without dismounting.

What to do if you've got an equestrian access problem

Local authorities

Local access authorities (local councils and national park authorities) each have a statutory duty to uphold the responsible exercise of access rights. Most employ access officers to fulfil this duty, and to help promote and manage public access. Contacting your local access officer for advice and assistance will often be the first step where issues cannot be resolved easily between two parties. An up-to-date list of local access officers is available in the Access Contacts section of www.outdooraccess-scotland.com.

Local equestrian access group

Equestrian access groups exist in many parts of Scotland, the majority of which are affiliated to BHSS. They are made up of local riders, horse owners and carriage drivers who share a common interest in equestrian access. Many are themselves land owners and are sympathetic to the concerns of other land owners and managers. A list of relevant groups can be found on the BHSS website. Most groups are only too ready and willing to discuss equestrian access issues or opportunities, they will provide practical help and may even be able to help fund access improvements of mutual benefit.

BHSS

BHSS has a national network of voluntary access representatives, each of whom covers a local authority area in Scotland, and reports to the national BHSS access committee. They may well be your first port of call if you have a problem with equestrian access, either as a horse rider/carriage driver, or as a land manager. Contact details for local representatives can be found on the BHSS website.

Scottish Land & Estates and NFUS

Scottish Land & Estates has a Policy Officer who can give advice on all aspects of outdoor access in Scotland. The National Farmers' Union of Scotland have nine regional managers based across Scotland who offer support and advice to members in their area, including advice on outdoor access issues. Both organisations also have a member representative on most of the 34 local access forums across Scotland. These representatives may also be able to offer some local, practical advice. Contact either Scottish Land & Estates or NFUS head offices initially – contact details below.

Local Access Forums

The access legislation requires each local authority and the national park authorities to create and maintain a local access forum. Each local access forum is made up of a representative mix of recreational and land management interests and may also include community group, local authority and relevant government agency representatives.

Local access forums operate in an advisory capacity. Their remit includes giving assistance to parties in disputes over the exercise of access rights, the existence and delineation of rights of way, and the use of core paths. Anyone can seek the advice of a local access forum. Contact details are available on most access authority websites or through the relevant local access officer. Scottish Land & Estates and BHSS can also provide you with contact details.

If all else fails

The role of the Sheriff Courts

Most access disputes should be able to be resolved at a local level with the assistance of the local access officer and/or the Local Access Forum. In the few cases where this is not possible, the access legislation enables decisions about the existence of and extent of access rights and rights of way to be made through the Sheriff Courts – see Sections 14 and 28 of the Land Reform (Scotland) Act 2003. The costs associated with any legal action can be considerable and specialist legal advice should be sought by anyone thinking about this option.

Other Useful Contacts

<p>Scottish Land & Estates Anne Gray Policy Officer Stuart House Eskmills Business Park Musselburgh EH21 7PB T: 0131 653 5400 F: 0131 653 5401 E: access@scottishlandandestate.co.uk www.scottishlandandestate.co.uk</p>	<p>British Horse Society Scotland Helene Mauchlen BHSS Development Officer Woodburn Crieff Perthshire PH 7 3RG T: 01764 656334 E: H.Mauchlen@bhs.org.uk www.bhsscotland.org.uk</p>
<p>Paths for All Inglewood House Tullibody Road Alloa FK10 2HU T: 01259 218888 F: 01259 218488 E: info@pathsforall.org.uk www.pathsforall.org.uk</p>	<p>Scottish Natural Heritage Recreation and Access Group Great Glen House Leachkin Road Inverness IV3 8NW T: 01463 725 000 E: Recreationandaccess@snh.gov.uk www.snh.org.uk/ www.outdooraccess-scotland.com</p>
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