

Advice on Equestrian access by permission

The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all countries but the legal requirements in Scotland and Northern Ireland may differ from those in England and Wales.

More advice is available on bhs.org.uk/accessadvice.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society recommends seeking advice specific to the site.

Permitted access can be welcome where there is no hope of gaining access by right on public bridleways or byways because a landowner is unwilling or does not have capacity to dedicate a bridleway or restricted byway, or where there is no evidence of historical use leading to addition of a bridleway or byway to the Definitive Map (legal record of rights of way).

Great care *must* be taken not to ask for or accept permitted access unless the possibility of the existence of unrecorded rights has been checked and ruled out because granting of permission can negate or reduce the value of evidence of past use.

- Access by permission has far less value than definitive access because it is tenuous — permission can be withdrawn at any time — and not all equestrians will be aware of it. The Ordnance Survey will not add permitted access to their maps unless it is of at least ten years guaranteed duration and, often, with a recognised body such as a local authority. However, it can still benefit local equestrians through word of mouth and anything may be better than nothing where there is no definitive access or evidence of any historical rights.
- Where permissive access has been offered or suggested in the absence of definitive access, there are several points to clarify with the landholder.
 1. The landholder is inviting people onto their land which may have implications for their liability and insurance. Some insurers have considered the risk to be negligible and not increased the premium but it is recommended that they are informed.
 2. Will the route stand up to use without additional maintenance and if not, is the landholder willing to maintain it or can agreement be reached with local users to maintain it?
 3. A landholder giving permission may wish to limit access to certain people, such as people from a particular yard or Equestrian Access Group. How will this information be known or passed on? How will permitted users be identified and who will enforce it? Who will undertake the administration? Consider whether it is really likely to be a problem and therefore whether it is worth doing anything about it.

4. If the proposed equestrian access is over a public footpath, there may be an issue of 'nuisance' to pedestrians if the horse use is detrimental to the surface or is otherwise considered to reduce the amenity for pedestrians (as the legally defined users of the way). While the landholder has every right to permit other use of the footpath, they could be required to ensure (by attention to the surface or other action) that the permitted use is not detrimental to the pedestrians. (This is the same as applies to the landholder's own use with vehicles or such as poaching from cattle feeding.) Where the footpath is wide and has a resilient, well-drained surface that can accommodate horse use without detriment, this is unlikely to be a problem and has a reasonable defence should any pedestrian complain, however, it is strongly recommended that equestrians are made aware that they are using a public footpath by permission which may be withdrawn if they create a problem for pedestrians. Much depends on how much use the path receives on foot and on horse as to whether conflict or complaint is likely.
 5. Signs on the permitted route are recommended to clarify to any user who it is for and that equestrian use is by permission.
- Permitted access may be under licence to individuals, paid or otherwise. Licence holders may be required to carry a marker of their licence on the bridle, saddlecloth, hatband or tabard. Markers are usually designed to be visible from some distance so that the landholder or their agents are easily aware that the user they can see is permitted.
 - Toll rides are a form of paid permitted access and in areas where there is no equestrian access away from tarmac roads it may be highly desirable and could be a useful income for a landholder which may assist in negotiation to gain new access. Equestrians in areas without bridledways may welcome the opportunity for quality off-road routes at a reasonable cost.
 - There is no formal process to granting or gaining permissive access although an agreement can be drawn up and signed, it would not be binding unless between the landholder and a 'body corporate', such as the council, parish council, or a registered charity, organisation or company. Depending on their constitution, some Equestrian Access Groups may be considered a body corporate. If the council is willing, the Institute of Public Rights of Way and Access Management produced [guidance and proforma agreements](#) for use by highway authorities. They can be revised to also be used by a parish council or other organisation.
 - Where a formal agreement is not possible or appropriate, answering the questions above will guide the thinking to cover the key aspects of liability and maintenance. Beyond that, it is a question of ensuring the required people know about it and any conditions, which may require notices on site, or a notice to local yards or equestrian groups. Should a landholder wish to issue licences to individuals, this is effectively a contract and written statement of the conditions under which the licence is issued and may be revoked is recommended to be held by both licensee and landholder.

- Where equestrian access is permitted over a public footpath, it may be helpful to advise the highway authority, assuming that it has the means to record that information against the path, then it is fully informed if a pedestrian should remark on the use by horses.

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