

Advice on Responsible commercial equestrian access in Scotland

Under the Land Reform (Scotland) Act 2003, commercial operators enjoy the same access rights as individuals, provided they exercise these rights responsibly, and provided the person exercising the right could carry on the activity other than commercially or for profit. The Scottish Outdoor Access Code (SOAC) provides detailed guidance on rights and responsibilities of access users and land managers.

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 Code 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?

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 Horse Sense: Equestrian access in Scotland, and in the SOAC <https://www.outdooraccess-scotland.scot/Practical-guide/public/horse-riding>

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 Scotland's fact sheet on responsible riding and carriage driving can be downloaded from www.bhsscotland.org.uk 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:

Key principle	Responsible action
Respect the interests and safety of other access takers (including other riders)	<ul style="list-style-type: none"> • 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).

	<ul style="list-style-type: none"> • 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.
Avoid causing unnecessary interference with land management activities and think about the cumulative impact you or others may be having	<ul style="list-style-type: none"> • 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.
Respect the environment	<ul style="list-style-type: none"> • 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.
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. Remember that your behaviour, and your actions, has implications for other riders and carriage drivers, as well as your own access in future.

- ✓ 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. 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.

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see www.bhsscotland.org.uk for contact details) or Helene Mauchlen, national manager for BHS Scotland Tel. 01764 656334 or email Helene.Mauchlen@bhs.org.uk.

For guidance on equestrian access in England and Wales, contact Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton Lane, Kenilworth, Warwickshire CV8 2XZ. Telephone 02476 840581. Email access@bhs.org.uk.

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