

Advice on Avoiding Conflict in England and Wales

The law and management of public access rights varies widely between the four countries of the United Kingdom. This advice note is written for England and Wales and although elements of the advice may be applicable in Scotland and Northern Ireland this cannot be assumed.

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

Occasionally riders and carriage drivers meet people who, for one reason or another, act aggressively. It is also true that riders can be surprised into acting aggressively themselves, perhaps because someone has done something to startle their horse and nearly caused an injury or fall.

Many of these encounters are over so swiftly that nothing is exchanged but a couple of angry shouts, though that can be enough to cause lasting bad impressions or ill-feeling. Some incidents last longer and leave people feeling upset or even cause a breakdown in relations with others you need to deal with in the future.

The best rule is not to lose your temper in the first place, even if you're convinced that you're in the right but we all know that is easier said than done. However, calming down quickly and offering an apology mean it may be possible to sort out the real rights and wrongs later and be to your benefit.

If you are confident in the knowledge that what you are doing is right, it is easier to keep calm in a fraught situation. This and other BHS Advice Notes will help to give you that knowledge and it is strongly recommended that you be sure of your responsibilities and rights by reading the whole series on www.bhs.org.uk/accessadvice.

Use hi-viz clothing, on and off-road

Many encounters could have been avoided had the other party been aware earlier of the horse and rider.

Hi-viz adds considerably to the ability of other users to see you and take appropriate action and they may be justifiably annoyed if an incident could have been avoided had you been using hi-viz equipment, rather than dark, dull colours which give much less warning of your presence. That split second of earlier warning can be vital. See the BETA Guide to Rider Hi-Viz equipment.

On roads

Motorists sometimes abuse riders and carriage-drivers because they think horses are getting in their way on the road. The law is that horses have a right to be ridden and driven on all public roads except motorways, the only exception being the rare cases when a Traffic Regulation Order (TRO) suspending the right to ride or drive a horse is in operation. However, although you have every right to be on the carriageway, it is courteous to accommodate faster moving traffic where it is safe and reasonable to do so. This is not required in the Highway Code, as it is for tractors or caravans, but is helpful in promoting tolerance.

The BHS Ride Safe training helps riders (and carriage-drivers) to have greater awareness of safe skills on the road and is supported by the Department for Transport. See also the BHS Safety advice, 'Road Sense for Riders' available on www.bhs.org.uk.

When you have the opportunity (not usually on the road!), you can explain to motorists why riders may be two abreast, or a group in single file or unable to pull over. You may find it useful to refer them to the BHS Safety advice 'Horse Sense for Motorists' available on www.bhs.org.uk. The BHS campaign 'Dead Slow' recommends passing horses wide at a maximum of 15mph.

A commonly heard abusive shout is that horse riders or carriage drivers do not pay road tax so should not be on the road. This is a fallacy. The 'road fund licence' of vehicles was abolished in 1937 and since then every tax payer contributes to provision of roads irrespective of their mode of transport.

Equally, it is common to hear or read criticism of riders who appear oblivious to other road users because they are on the phone or chatting to a companion. BHS advice is to *always* consider other users, to remain alert and undistracted while riding on the road and to acknowledge cooperation, even if you would have preferred a slower or wider pass, a courteous response is more likely to promote tolerance than ignoring any effort.

As with towns where cycling is commonplace, motorists tend to be more tolerant of riders when they are frequently encountered. Riders finding roads unpleasant or dangerous and fewer people riding out mean that riders become even less common on the roads, so motorists are less prepared to meet them. Meeting up with others to hack can help with the feeling of safety and also help educate motorists to expect horses on the road..

Cyclists

Be alert for big events (e.g. Grand Depart, Tour of Britain, L'eroica). Plan to avoid the area and the event, or simply turn the horses out and join in the fun! Major sportive events are listed by British Cycling with the route. For smaller events, try approaching local cycling clubs with the aim of knowing when they are holding events or training so that you can avoid them. By 'making friends' you can also encourage the cyclists to devise routes avoiding the links which are important for equestrians.

With individual or groups of cyclists it is important to 'meet greet and educate' where there is an opportunity. Wherever possible spread the 'Call out from a distance' or 'Hail A Horse' message and always smile and say hello even when there is no response. Be aware that many cyclists will not be familiar with horses and simply do not know the best action to take, so passing you as quickly and quietly as possible seems the right thing to them!

Verges

Sometimes riders are abused by householders because they are riding on the verge to avoid motorists. In most cases, as long as you are riding within the highway boundaries—usually hedges, fences or walls—you are exercising your right to travel along the highway. The tarmac strip is there for the convenience of motor vehicles but the highway normally extends to the boundaries and includes the verges.

In England, Wales and Scotland (but not Northern Ireland), riders have a right to ride on the verge and it is often the safest place to be although you should be alert to trip hazards. Where a verge is not in a condition to ride but would aid safety, you can make a case to the highway authority or parish council for it to be mown, or a volunteer group may be able to do so to help all riders.

Encroachment by householders onto a verge is common, from mowing grass to placing posts, stones or plants, to linked fences and extensive 'gardening'. All of these discourage riders, although some may genuinely be intended simply to improve appearance (in the householder's view).

The majority of residents are unaware that the verge is part of the highway, and that they are not allowed to obstruct it in any way, whether by placing stones or parking vehicles. They may, quite understandably, consider the road to be the tarmac only.

If a resident confronts you about riding on a verge which they have adopted, it is advisable to apologise for any perceived damage but to point out that you believe it to be part of the highway which permits you to use it, whether to avoid vehicles or the tarmac, and if their view differs, they should check with the highway authority.

You should report any incidences of encroachment and conflict over use of verges to the highway authority, seeking confirmation that this stretch of verge is public highway and asking for it to also confirm your right of use to the resident. Unfortunately, some authorities are unwilling to take enforcement action against encroachment on verges. You may wish to advise your BHS Access and Bridleways Officer¹ of the problem.

Off road

Unexpected encounters

Sometimes aggression arises because of an unexpected meeting at a blind corner or because a dog has spooked a horse (or sometimes vice versa!). In such circumstances try to keep calm and say as little as possible.

Remember that walkers (including dog walkers) and cyclists have the right to share bridleways and the other unsurfaced highways, although cyclists must give way to riders and walkers on bridleways (Countryside Act 1968 Section 30).

Vehicles other than motor vehicles are allowed on restricted byways, and all traffic is legally allowed to use byways and unsealed county roads. It is not unusual to meet motor vehicles, even on bridleways, because farmers and others may have a private right of access along the route.

Mountain bikes

With individual or groups of cyclists it is important to 'meet greet and educate' where there is an opportunity. Spread the message of Hail-A-Horse from a distance and if cyclists do stop, it is best if they are all on the same side of the path and avoid sudden movements or noises. One message is 'What will scare a horse' but equally important is 'If half a ton of animal jumps on you and your bike'.

Mountain bikes sharing routes with horses have very different desires, mainly on surfaces (they prefer a much more rough and rocky challenge) but working with local groups will show that cyclists and riders have more common goals than differences and can work successfully together to repair routes that accommodate requirements of both groups. Taking a horse out and actually showing how certain size stones hurt an animal has a big impact so, as with road cyclists, the key is building local friendships.

Being in the wrong place

Signposting and waymarking should make rights of way easier to follow and reduce the chance of users being in the wrong place, although this can still happen. However, there are places where local riders use the 'wrong' route, often at the request of the farmer, to avoid a farmyard or to go round a field instead of across. This can cause problems for visitors unaware of local custom and can also lead to various legal difficulties, including for the landowner. The BHS advises against such unofficial diversions (see Farming operations below), but it is usually best not to argue with the farmer at the time. Discuss the matter with your local BHS Access and Bridleways Officer afterwards. If the right of way is obstructed by the landowner, you have a right to deviate onto land belonging to the same landowner in order to get round the obstruction. You should report any obstruction to the highway authority.

If you are riding a route that you don't know or have not ridden for a long time, it is advisable to carry an up-to-date map. The Ordnance Survey Explorer maps are the best because they show field boundaries which are often crucial in sorting out "am I in the right place?" problems. They also show, as 'Other Routes with Public Access', the unsurfaced highways on which you are likely to have a right to ride and drive, although not all of these are shown. An Ordnance Survey map is not conclusive legal evidence of a right of way, but it is usually a very good guide. If in any doubt at all, check the status of a route with the highway authority.

OS maps do not show designated routes for riding or driving in Public Open Spaces, on commons, in country parks, on Countryside Stewardship land and so on. The BHS can give further information on how to find where to ride.

If challenged and told you are on the wrong route, ask politely which is the right one, and consult the map in the presence of your challenger, or politely invite your challenger to show you the correct route. A legal change could have occurred to a right of way since your OS map was issued, especially in areas where new housing or industrial development is taking place. If you are on a path for which you believe there is good historical or user evidence of equestrian rights which are not recorded (e.g. shown only as a footpath but has long been ridden), it may in fact have a higher status. The correct rights need to be recorded as soon as possible, especially if your right to use the path has been challenged. See the BHS advice notes on 'Recording a Right of Way' and '2026 Toolkit'.

If you appear to be on the wrong line, apologise, thank the person for their help and go immediately on to the correct path. If you are right and are allowed to continue without further comment, do so quietly and considerately. If, however, your challenger insists that you should not continue, it may be as well to leave quietly to avoid the situation deteriorating. You can always check whether you were correct later with the highway authority and ask them to take action, either to improve waymarking if you were wrong, or to educate the landowner or whoever challenged you.

If you are turned off a path shown on the map to be a bridleway, restricted byway or byway open to all traffic (BOAT) you should report the incident immediately to the highway authority for the area. You should also report it to your local BHS Access and Bridleway Officer.

Farming operations

Be considerate when farming operations very temporarily block a right of way. Sheep and cattle have to be moved, crops have to be harvested. However, if a right of way is regularly blocked, for instance by a rope to guide cows to the milking parlour, and this causes difficulty for riders, report it to the highway authority..

Take some time to learn about farming operations and be sensitive to the needs of those managing land. Rights of way add considerable complications, work and expense to an already difficult job, often at times of high demand from other tasks that are time-critical and have to take priority.

Farmers can become angry and aggressive if people are in the wrong place or have behaved badly, for instance by riding off the line of the right of way and damaging crops, or leaving gates open that

should be shut. This is understandable given that it is their livelihood at stake; the results of your actions could be far greater than you realise; for instance ewes and lambs scattered by galloping horses can take many hours of work to reunite and lambs may be rejected by ewes as a result. You may also cause a farmer to be in breach of the many regulations they work under, which may cause them extensive problems and possibly a fine.

You should:

- Follow the Countryside Access Code
- Follow the advice 'Leave gates as you find them', even if you have to dismount to do so. Report any difficult gates to the highway authority.

See BHS Advice on Blocked and difficult to use bridleways.

Be aware

Learn to recognise local crops in all stages of growth; remember that grass, too, is either a crop to be harvested or required for feed and treat it with respect. Where an unfenced bridleway crosses a field of ungrazed grass in early summer, ride in single file if possible and certainly no more than two abreast while the grass is growing as it will be required for winter feed.

Stubble, young grass or fodder grass (grass being grown for silage or hay) should not be treated as open land for a gallop, this may damage a new crop already sown beneath the stubble or reduce the grass available to harvest.

Riding in the wrong place on land subject to an Environmental Stewardship Agreement could cause a farmer to be in breach of their Agreement.

A tractor driver will not be aware of your approach if they are concentrating on operating the machinery behind them. Try to wait in a safe place until they see you and you can pass safely.

If your horse has escaped your control and strayed off the line of the path, try to contact the farmer as soon as possible after your ride to explain and apologise. This helps boost tolerance of riders as inconsiderate riding off the right of way is a very common complaint against riders and a reason why it is difficult to gain more bridleways.

If you are in the wrong place, it is best to admit it and apologise, then leave quietly. If the farmer is cross because earlier riders behaved badly, it helps if you can take the time to listen to their grievance and say that you will try to spread the word amongst local riders to try to prevent it happening again.

Horse Droppings

Horse droppings can be a bone of contention on or off road and especially on beaches or paths which are also heavily used by cyclists or users with wheelchairs or pushchairs. A droppings bag can be installed behind carriage horses but this is not possible for the ridden horse. It is usually difficult to

predict when or where a horse will defecate although it will be particularly likely to do so if startled or at a location where it has been startled before.

If possible, try to avoid riding where droppings are likely to give offence. For instance, if a bridleway goes through a children's recreation area, keep to the defined line. If a path has a hard surface that is used by people with wheelchairs, cycles or pushchairs, try if you can to keep your horse to the side so that droppings are at least out of the main passage. On such routes it is much appreciated if riders are able to dismount and kick droppings to one side. Such behaviour increases the potential for new routes to include horses as dung is frequently given as a reason to exclude horses.

It may be helpful to point out to complainants that horse dung is highly valued for compost, it can support biodiversity and droppings from healthy horses pose minimal risk to human health. See BHS Advice on Dung.

Serious aggression

There have been occasions on rights of way where riders have been physically threatened. Should this happen to you, you are urged to leave immediately and to report the matter to the police, as well as to the highway authority, the parish or town council, your local BHS Access and Bridleway Officer and any local bridleway association. It is essential that seriously aggressive behaviour is reported to the police as soon as possible as you may not be the only one having the problem but the police might not act until they have enough reports. Give a specific description of the place, date, time and the action taken to deter your use of the right of way, such as 'threatening stance', 'abusive language', 'physical obstruction', 'drove at me with a Land Rover', 'pointed a gun at me', and ask for appropriate action to be taken. Also provide details of any witnesses. Ask the police to give you an incident report number.

Keep a written record

Write a full note about any incident (even if it did not involve serious aggression) whilst the details are still fresh in your memory, and keep a copy safely, no matter to whom you reported the encounter.

Four golden rules

- Don't lose your temper, either in the first place or afterwards. Take three deep breaths and relax!
- Ride considerately, obeying the Highway Code and the Countryside Code.
- Always be polite: arrogant and impolite behaviour by one equestrian can spoil relationships for hundreds of other equestrians.

- Know that you are in the right, and in the right place. If you know and comply with the law and are behaving responsibly, it is much easier to keep calm whatever the provocation.
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