

Welsh Government Consultation Document

Improving opportunities to access the outdoors for responsible recreation

Response of The British Horse Society



Q1. Question 1: What are your views on the principles outlined above? If you would suggest changing them, please explain how and why.

Agree with principles. In respect of no 3 insert 'for all' after 'recreation' improving opportunities for recreation should benefit as many people as possible and not just one or two specific user groups.

The following principles should be added: –

1. The public rights of way system should be free at point of use; - the current rights of way network is free at the point of use and this should continue, not to do so will have the negative effect of dissuading people from taking exercise outdoors
2. There should be no overall diminution of the network. The current network provides a huge economic benefit to Wales and this should be increased not reduced.

Q2. Tell us your views on the issues highlighted above, and whether there are other key challenges you believe need to be resolved?

Any new legislation should not disadvantage or exclude users, but at the same time should recognise the interests of landowners. These two issues need to be carefully balanced.

The health benefits of riding are clearly documented. More people can be encouraged to ride and carriage drive if they have safe places to ride and drive, much can be done to augment this, namely providing more multi user routes.

<http://www.bhs.org.uk/enjoy-riding/health-benefits>

This could be done by:

- Having just one classification of public rights of way for non motorised user rights of way, namely restricted byways. If such a system was to be adopted users would make up their own mind as to whether a path was suitable for their use, this is what in effect happens in Scotland.
- Implementing similar access legislation in Wales as exists in Scotland.
- Allowing equestrians access on cycle tracks so that they can safely access more of the wider public rights of way network in their neighbourhood.
- Providing parking for equestrians at car parks and not just for walkers and cyclists.
- Extending the statutory right of access on foot to access land to horse riders.

There would be much to be gained by users and landowners if the existing access legislation was consolidated and new provisions introduced that would encourage and make it easier for more people to access the outdoors for responsible recreation.

The legislation needs to be more flexible so that new access can be provided where it is needed.

Many of the new provisions in the Deregulation Act in England relating to the definitive map modification order system could equally be applied in Wales to make it easier to effect changes to the definitive map and reduce the backlog of definitive map modification order applications that currently exists in some authorities, namely:-

- The ability to address modifications arising from administrative errors
- The ability to modify the definitive map and statement by consent, so that local authorities can agree a modification of a route where a landowner agrees with the principle of an application but wants the route to run on an alternative line, for example to take it out of an operational farm yard.
- Doing away with the need for applicants for definitive map modification order applications to provide copies of documentary evidence that the surveying authority already has.
- Requiring the local authority rather than the applicant to notify the landowner, so that the local authority can ascertain whether the landowner wants to agree to a modified route, ie to remove the line of the path out of a farm yard.
- Providing the ability for an applicant for a definitive map modification order application to transfer an application to someone else.
- Removing the requirement for surveying authorities to advertise definitive map modification order applications or public path applications in newspapers.
- Enabling the surveying authority not to have to refer an order to the Secretary of State if they believe that nothing in any representation or objection would be relevant to the Secretary of State's decision to confirm the order.
- Providing the ability for a surveying authority to sever an opposed order so that the Secretary of State need only consider the disputed element of the original order.

Other measures,

- Recording all cycle tracks on the definitive map as Bridleways or another designation that permits horse riders to use them.
- All ORPAs and Green Lanes to be recorded as restricted byways or byways as applicable.
- Whilst the topography of Scotland and concentration of people in Scotland is different to Wales, the access legislation introduced in 2003 has worked well, with little conflict. What is not different between the two countries are the land uses around large conurbations and the pressures that exist on the urban fringe; the new access legislation has worked well and there is no reason why such legislation should not work in Wales.
- Allowing informal temporary diversions so that people can avoid going through fields whilst they have cattle and or horses in them.
- 'Remove the anomaly of a sudden change of status of a route in mid-route. eg. the change from bridleway to footpath status at a county boundary for no apparent good reason.'

Question 3. What changes, if any, do you think need to be made to improve and simplify the procedures for recording, creating, diverting or closing public rights of way?

In addition to the points referred to in answer to Question 2 above:

- A standard scale of compensation for the creation of rights of way would make local authorities less fearful of making creation orders.
- The determination of user claims within 12 months of their submission, too often users who have supplied user forms have died by the time the application that their evidence relates to is determined.
- Replacing user claims with creation orders consequent on 10 years of use.
- The creation of statutory definition of 'demonstrable public need'.
- Members of the public to have the right to apply for a creation order where there is 'demonstrable public need'.

Previous studies carried out in Wales have indicated long backlogs of definitive map issues, and the experience of our officers is that this appears to still be the case in many authorities. Backlogs can build up as there is no enforced time limit on determination. This matter needs to be addressed so that necessary changes can be made to the definitive map expeditiously.

The Wales content on the Planning Portal is being moved to an alternative site. It is not known when this will take place; the lack of this information makes it hard for members of the public to track the progress of definitive map modification order applications.

Question 4: What changes, if any, do you think need to be made to improve and simplify the provisions available to local authorities for making improvements on the ground?

There needs to be a public register of authorised structures on public rights of way. There needs to be a requirement that gates should be tied open when they are not needed to be closed to contain stock.

Cross compliance should be used so that landowners are not rewarded for perpetuating unlawful obstructions to public rights of way.

Question 5: What non-legislative changes would you like to see in the meantime that you believe would help to improve the rights of way network in Wales and reduce the burden on local authorities?

To engage with community councils to determine their priority paths for maintenance purposes.

Facilitating local volunteers to carry out improvements to paths.

Question 6: How should the number, role, membership, and purpose of local access forums be redefined?

There needs to be clear guidance as to what is meant by 'local'. Having one local access forum for Powys means that because of the size of Powys it is often not 'local'. Powys would be better served by having more than one local access forum.

The period of engagement for membership of a LAF should be extended to 5 years.

Local access forums should be consulted more in respect of access proposals being put forward by councils, landowners and developers.

Question 7: How should the rights and responsibilities surrounding dogs in the countryside be harmonised to provide greater certainty over what is acceptable and what is not, in a way that makes communicating messages about responsible dog ownership and handling more straightforward?

There needs to be one clear message that applies to all types of public access. Close control is not sufficient - it is too vague and a dog is only fully under control when it is actually on a lead.

The Society's horse accidents website has received 973 complaints of dog attacks on horses since November 2010

Question 8: How could current legislation be changed to make it easier to allow for a wider range of activities on existing and new paths?

- Having just one classification of public rights of way in respect of non motorised user rights of way, namely restricted byways. If such a system was to be adopted users would make up their own mind as to whether a path was suitable for their use, this is what in effect happens in Scotland.
- Implementing similar access legislation in Wales as exists in Scotland.
- Allowing equestrians access on cycle tracks so that they can safely access more of the wider public rights of way network in their neighbourhood. Cyclists already have full access on bridleways so there should be no issue.
- Providing parking for equestrians at car parks and not just for walkers and cyclists.
- Extending the statutory right of access on foot to access land to horse riders.

Question 9: How could legislation better strike a balance between the various demands of motorised users, landowners and the natural environment?

It is considered that this question should form part of a separate consultation exercise and not form part of this consultation.

Question 10: How should the need for new or improved access opportunities be identified, planned, and provided?

The Society would support requiring local authorities to review their network of paths and access areas, including towpaths, access land and publically owned land with a view to amending the network, adding higher rights where appropriate and linking access areas using "green corridors". Allow for the prioritisation of the more significantly used networks provided that these are multi user paths that provide for equestrians as well as other users, ensuring at the same time that other routes are not wilfully obstructed to the detriment of users .

Rights of Way Improvement Plans should be retained and focus on providing multi user links and circuits.

The right of access to access land should be extended to horse riders.

Under current legislation the bridleway network is very fragmented. This needs attention to provide continuous off-road routes for horse riders.

Question 11: What are your views on the benefits and challenges of creating a right of responsible recreation to all land in Wales?

The Society would support this. This has worked well in Scotland with few issues. It is important that whether or not new or revised legislation is introduced that there is an education programme informing users of the countryside to respect the resource, landowner requirements, and the needs of other users.

Question 12: What approach do you advocate to improve opportunities for responsible access for recreation on inland waters?

The rights of way network in many areas is fragmented and this in many instances could be improved by allowing greater access to towpaths, especially for horse riders; many towpaths would provide the missing links to a fragmented bridleway network.

Question 13: What approach do you advocate to improve opportunities for responsible access for recreation on the coast and in the marine environment?

It is important that nothing is done to restrict equestrian access to beaches, such access is important for equestrians as it provides safe off road access and in many areas is a valuable tourism asset.

Question 14: What would be the advantages and disadvantages of a comprehensive statutory code of conduct for outdoor recreation in Wales?

A comprehensive statutory code of conduct for outdoor recreation would assist in reinforcing the need for all users to be respectful of their surroundings and other users.

Such a Code of Conduct needs to be widely publicised continually in the media; as large, prominent wall posters at visitor centres etc, not just when it is first initiated.

It should also be in an attractive, easily readable form which gets attention. The Code in the Concordat between Natural Resources Wales (Forestry) and the British Horse Society is an excellent example of making it eye catching by the use of cartoon like diagrams.

The British Horse Society

1. The British Horse Society (BHS) represents the interests of the 3.4 million people in the UK who ride or who drive horse-drawn vehicles. With the membership of its Affiliated Riding Clubs and Bridleway Groups, the BHS is the largest and most influential equestrian charity in the UK. The BHS is committed to promoting the interests of all equestrians and the welfare of horses and ponies through education and training.

2. The equine industry is estimated to be worth £7 billion to the UK economy and to employ 220,000 – 270,000 people.

3. 90% of riders are female¹. 25% of riders are aged under 16 years and 48% are aged under 24 years.²

4. The Strategy for the Horse Industry in England and Wales, published in December 2005, was prepared by the British Horse Industry Confederation in partnership with the Department for Environment, Food and Rural Affairs, the Department for Culture, Media and Sport and the Welsh Assembly Government³.

5. The Strategy includes the following aim:

Aim 5 'Increase access to off-road riding and carriage driving', including the encouragement and improvement of urban and suburban riding and carriage driving.

The Paucity of the Equestrian Public Rights of Way Network

6. The length of the public right of way network in Wales currently amounts to 33211km, consisting of 26320km of footpaths, 4965km of bridleways, 431km of byways and 1495km of restricted byways. Horse riders therefore, currently have access to only 21% of public rights of way and horse-drawn vehicle drivers to only 6%. **Many rights of way are now disconnected from each other because the roads that should connect them are no longer safe for equestrians to use because of the speed and volume of motorised traffic on them.** This leaves many equestrians without a safe local route to use.

Road Safety

7. Over the years road design has provided safe refuges and paths for walkers and cyclists, but in the process has mainly forgotten the needs of equestrians and in some cases made things even worse for equestrians. In Rhondda Cynon Taf the erection of barriers forced horse riders off their customary safe route and forced them to ride on the road instead when this was deemed by the Council not to be appropriate for walkers and cyclists because of safety issues.

8. The NHS Hospital episode statistics for 2013 – 14 show that there were 4,052 'animal rider or occupant animal drawn vehicle injured in transport accident' (V80)

: <http://www.hscic.gov.uk/catalogue/PUB16719/hosp-epis-stat-admi-ext-caus-2013-14-tab.xlsx>

9. 1979 road accidents involving horses have been recorded on The Society's www.horseaccidents.org.uk reporting website. Many accidents and near misses are still not being recorded yet so the total should be much higher

¹ The health benefits of horse riding in the UK – Research undertaken by the University of Brighton and Plumpton College

² The National Equestrian Survey 2011 (BETA)

³ <http://www.bhic.co.uk/downloads/full-strategy-report.pdf>

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