



JOINT COMMITTEE ON THE DRAFT
DEREGULATION BILL



**British Horse Society written evidence submission to the Joint Committee on the Draft
Deregulation Bill**

16 September 2013

1. The British Horse Society (BHS) is the foremost and leading equestrian charity in the UK. We represent the interests of the 4.3 million people who ride or drive horse-drawn vehicles, and have over 75,000 members and over 40,000 members through BHS Affiliated Riding Clubs and BHS Affiliated Bridleways Associations.

Opening Statement

“Horses, and the activities they support, are an integral part of our national life.”

Owen Paterson MP

Secretary of State for Environment, Food and Rural Affairs

2. As the UK's foremost equestrian charity, The British Horse Society has responsibility to enhance and maintain the UK's national equestrian access network. Our ambition is to improve the public access network for recreational equestrian use, which will improve access for walkers and bicyclists who use byways and bridleways.

3. We are submitting this statement to the Joint Committee to emphasise our support for the recommendations of the Natural England Stakeholder Working Group as set out in its 'Stepping Forward Report'. Certain proposals set out in the Report require primary legislation to address the archaic inefficiencies of the legal record of public rights of way. We strongly desire to see those proposals included in the present bill in a way that is deregulatory and advantageous for all interested parties.

4. Under the current system, horse riders have access to only 22%, and carriage drivers 5%, of the public rights of way network. The recording of unrecorded and under-recorded rights of way is an important priority for the BHS and the equestrian community in order to guarantee access to the entire historic network of byways and bridleways.

5. The British Horse Society would like to note that contrary to popular perception, many equestrians are not wealthy people. At the BHS we embrace equestrians across all of society. 25% of horse owners earn less than £10,000 per annum, and many spend more on caring for their horses than they do on themselves.

Summary

6.1. Horse riding, as an outdoor recreational activity, is beneficial to the whole community as well as being beneficial to the rider. Correctly recording bridleways and byways through a functioning legal framework is paramount to safeguarding the public access network.

6.2. As the direct result of the work of the Natural England Stakeholder Working Group, the recommendations set out in the 'Stepping Forward Report' represent a consensus view



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of organisations across the rights of way sector (landowners and land managers, local authorities and rights of way user groups).

6.3. The provisions in the present bill represent part of the complete package of proposals as set out by the Stakeholder Working Group and, if some parts were introduced and others dropped, then the consensus might be lost. Any additional measures recommended by the Joint Committee in the light of its deliberations might not carry cross-sector support.

6.4 Alterations to the Stakeholder Working Group's Report as regards the 'reasonably alleged to subsist' test as proposed in Schedule 6 paragraph 2(a) will cause new problems which are not deregulatory.

The Social Contribution of the Horse Industry

"There is something about the outside of a horse that is good for the inside of a man."

Sir Winston Churchill

7. Horse riding is an outdoor recreational activity that continues to gain increasing popularity because of the social and health benefits that it offers to the rider, both mental and physical. Horse riding is far from a passive activity. As a form of exercise, it is both cardiovascular and muscle conditioning. It improves many aspects of the rider's life. There is little limitation of age and ability, making horse riding accessible and enjoyable to adults and children alike. Evidence indicates that over 90% of the UK's four million horse riders are female, and more than a third of female riders are over the age of 45¹. As horse riding is often the only exercise these individuals regularly undertake, it can play an important role in tackling obesity and maintaining good mental and physical health among this key demographic.

8. Research undertaken by the University of Brighton and Plumpton College on behalf of The British Horse Society established that as well as considerable physical health benefits, horse riding provides psychological and emotional benefits to the rider. The relationship developed with the horse can have therapeutic effects such as reducing stress, helping build confidence and patience, and increasing the capacity to trust.

9. Research has also shown that horse riding leads to health and psychological benefits through its connection to the outdoors and the countryside. Evidence suggests that people who take up horse riding develop a greater interest in the countryside and in issues that relate to the countryside.

10. The equine industry, excluding horse racing, is estimated to be worth £3.8 billion and to employ 150,000² people. Horse riding generates significant economic benefit to the community by supporting small businesses and by providing jobs both directly and indirectly. The British Equestrian

¹ The Health Benefits of Horse Riding in the UK. Research undertaken by Brighton and Plumpton College on behalf of The British Horse Society

² The British Equestrian Trade Association National Equestrian Survey 2010/11 <http://www.beta-uk.org/pages/riders/news/survey-reveals-new-spending-patterns-in-equestrian-industry.php?searchresult=1&sstring=survey>



Trade Association (BETA) estimates that, on average, each of the one million horses kept in the UK generates an economic contribution to the local economy of over £3,300 per annum³, a total of £3.3 billion going to local communities across the UK.

11. The benefits enjoyed by individuals who take up horse riding, and by the wider rural communities associated with horse riding, are inextricably linked to the availability of byways, bridleways, and other equestrian routes which encourage and facilitate this valuable activity to take place.

Historical Context

12. Footpaths, bridleways and byways - public rights of way – have evolved over not just hundreds but thousands of years. The earliest human inhabitants of the British Isles followed prehistoric tracks and paths formed by migrating animals. These routes gradually became established paths, both for local journeys and for moving animals to distant markets. They are the byways, bridleways and droveways now so vital for horse riders and carriage drivers. In more recent times, they have come to offer valuable safe routes for bicyclists. These ‘ways’ continued in use through the ages, and their lines can be traced in our highways, byways, footpaths and bridleways.

13. This interconnected network of public rights of way is a vital part of the nation’s heritage. It is a key means by which people enjoy the countryside and nature in a safe environment, keep themselves healthy, active and travel from place to place sustainably.

14. At present the definitive map and statement of the network of public rights of way is woefully incomplete and fragmented. Many historic public rights of way are not recorded and some are recorded with the wrong status.

15. The British Horse Society seeks to secure access for horse riders and carriage drivers to the unrecorded equestrian public rights of way that have existed for hundreds of years. In correctly recording these routes, we will secure access as a public facility in perpetuity, so everyone can continue to enjoy historic rights of way for centuries to come.

The Natural England Stakeholder Working Group on Unrecorded Public Rights of Way

“I would urge all local authorities to allow horse riders to use cycle trails, routes and any other ways where it is in their power to do so, and to encourage that permission or dedication to happen where it is not in their power.”

Richard Benyon MP
Parliamentary Under-Secretary Department for Environment, Food and Rural Affairs

16. The Department for the Environment, Food and Rural Affairs and Natural England set up the Stakeholder Working Group on Unrecorded Public Rights of Way to bring together all interests over

³ The British Equestrian Trade Association National Equestrian Survey 2010/11 <http://www.beta-uk.org/pages/riders/news/survey-reveals-new-spending-patterns-in-equestrian-industry.php?searchresult=1&sstring=survey>



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land rights in the UK with the aim of reaching consensus on a balanced package of reforms to implement a working system for the correct legal recording of public rights of way.

17. The recommendations of the Stakeholder Working Group's Report – the 'Stepping Forward Report' – were agreed by the Group as a whole. They embody the view of organisations on all sides of the rights of way sector including landowners and land managers, rights of way user groups and local authorities.

18. The package of recommendations represents a consensus view that has been agreed by the Group as a whole and was designed in the spirit of fairness to be de-regulatory in its overall effect.

The Draft Deregulation Bill

19. Clauses 12 to 18 and Schedule 6 appear in the Deregulation Bill as a direct result of the work of the Stakeholder Working Group. The BHS is keen to see the letter and the spirit of the proposals in the Stakeholder Working Group's Report reflected in the Bill. The Stakeholder Working Group's proposals are carefully balanced and are entirely interdependent, and it is important that they be incorporated as a complete package of measures.

20. Any 'cherry picking' approach to implementation would also risk dismantling the consensus that has been established between all interested parties in the rights of way issue. The consensus established around these proposals, in a way that is fair to all concerned, is entirely dependent on them being implemented in full.

Deregulation Central to the Stakeholder Working Group

21. The spirit of deregulation agreed upon by the Stakeholder Working Group is reflected within the measures of the Draft Deregulation Bill concerned with Use of Land. The British Horse Society wholeheartedly supports those measures that will reduce current regulatory, financial, and bureaucratic burdens that complicate the process of recording the public rights of way network.

22. Such measures include, but are not limited to:

22.1. Schedule 6, para. 6(3) – which extends responsibility to the surveying authority (rather than the applicant) to serve a notice to implicated landowners if (and only if) an application passes the Basic Evidential Test.

22.1.1. In the current system, an applicant has to make the initial approach to the landowner as part of the application process, knowing that the historic route being applied for could possibly be inconvenient to current farming practices. This has, on occasion, caused enmity and conflict even before any discussions on an appropriate alternative route can be initiated. The ability to discuss a diversion of the historic route at a very early stage should facilitate a reasoned debate and be more satisfactory to all parties. It will also allow the Surveying Authority to ensure that an application has passed the Basic Evidential Test before approaching a landowner, so removing unnecessary anxiety caused by spurious applications.



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22.2. Schedule 6, para. 5 – which allows rights of way to be recorded with appropriate modifications on the definitive map and statement, where this would be justified to avoid significant conflicts with current land use.

22.2.1. This important provision will serve to add some flexibility to the process of recording public rights of way by taking into account modern uses of land that may not be consistent with a historic path. For example, it would be inadvisable to have a public access path through the middle of a working farmyard, forcing ridden horses to contend with herds of cattle, agricultural machinery and milk tankers in a confined space. This provision will help the network of public access paths be recorded in a way that is fair to all and takes into account modern day farming practices.

Schedule 6 Paragraph 2

23. The British Horse Society supports the proposals of the Stakeholder Working Group. It is important that the Stakeholder Working Group proposals go forward in and through the Bill as a package of measures, all of which received careful consideration and detailed analysis over a long period allowing a consensus of opinion to be arrived at by the parties to the Stakeholder Working Group.

24. We are concerned to see alterations to the Stakeholder Working Group's Report as regards the 'reasonably alleged to subsist' test for definitive map modification order applications as proposed in Schedule 6 paragraph 2(a) of the draft bill.

25. In our view this provision does not reflect the deliberations and outputs of the Stakeholder Group. Furthermore, we consider they could well cause new and different problems and burdens, rather than being deregulatory. The provision will involve the voluntary and charitable sector as well as the local highway authority in significant extra work and expense compared to the process that exists under the current legislation.

26. By removing this 'reasonably alleged to subsist' evidential test, the Draft Deregulation Bill risks raising the evidential burden necessary to establish the existence of a historic right of way. This will complicate the process for those involved, and therefore acts as a further regulatory obstacle to establishing the definitive network of rights of way.

27. We urge the Committee to reconsider before any widening of the Bill to include other issues which could then break the consensus that has been achieved.

Reducing the Financial Burden of Updating the Definitive Map

28. In accordance with the spirit of the Stakeholder Working Group's package of recommendations, The British Horse Society is keen that the Draft Deregulation Bill serves to minimise regulatory obstacles to the completion of the definitive map of public rights of way.



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29. One significant obstacle to this process is the high cost to applicant, landowner and the government of processing contested applications through Public Enquiry or the Magistrate's Court.

30. We believe that it is in keeping with the spirit of the Stakeholder Working Group's package of recommendations, and the wording of Draft Deregulation Bill, to use more cost efficient methods to resolve conflicts over applications to record public rights of way wherever possible, while maintaining the important principle of fairness to all.

31. Using local professional mediation services to reach acceptable settlements between all interested parties is just one example of how regulatory obstacles might be reduced. We suggest that these are actively encouraged by the Committee to speed resolution, reduce costs and lessen the impact on individuals, local authorities and the courts.

Concluding thoughts

32. Given the size, unique issues, and significance of the equestrian community, we would appreciate the opportunity to give oral evidence before the Committee to ensure that the views of 4.3 million people who ride and drive horses are heard and seen to have been listened to by the Committee in its deliberations over this important and complex bill.

33. In particular, The British Horse Society would appreciate the opportunity to explain the complex issues around schedule 6, para. 2, give evidence before the Committee to explain the regulatory effect of removing the 'reasonably alleged to subsist' test, and provide examples of the problems and burdens this would cause.

For further information, please contact:

Mr Mark Weston
Director of Access at The British Horse Society
Email: M.Weston@bhs.org.uk
Tel: 02476 840560