

# Advice on Cattle grids in Scotland

Cattle grids are common in Scotland on farm tracks and on some rural roads. As they are designed to control animal movement, most cattle grids present a hazard and a barrier to horses. The British Horse Society has produced these notes to clarify the legal position regarding provision and installation of cattle grids in Scotland, to provide guidance on appropriate action where there are problems, and links to best practice.

## Cattle grids on public roads

Section 41 of the Roads (Scotland) Act 1984 allows relevant roads authority to provide and maintain cattle grids in the road as long as they also provide and maintain “either by means of a gate, bypass or other works on the road, facilities for the passage under proper control of animals and all other traffic entitled to go along the road by law but unable to pass over the cattle-grid”. The Act stipulates further details about precise location of bypasses and changes to cattle grids but the gist of it is that legally roads authorities are responsible for installing and maintaining a side gate or other alternative access provision. British Standard 4008 applies to all cattle grids on public roads. BS EN 1991-2 Part 2 may also be relevant in relation to traffic loading. British Standard 5709 defines specifications for gaps and gates.

Any gate, bypass or other facility provided alongside a cattle grid on a public road must be able to open fully to allow unrestricted, safe access by all legitimate users, which includes horse-drawn vehicles as well as horse riders. There is nothing to say that gates need to be capable of being opened and closed without dismounting, but locked gates and other restrictions conflict with the Roads Act.



If you come across a cattle grid on a public road where the alternative access is obstructed – such as here where the opening width of the gate is restricted by a large boulder which precludes access by horses, bikes or anyone with mobility limitations - contact the local authority roads department, alert them to the problem and request that the obstruction be resolved.

### **Cattle grids on tracks and private roads**

The Land Reform (Scotland) Act 2003 confirms a right of responsible access for non-motorised users to most land, which includes most paths and tracks. The Scottish Outdoor Access Code provides guidance on respective responsibilities for access takers and land managers. Neither the Act or the Code make specific reference to cattle grids, but the Act clearly states that "it is the duty of every owner of land in respect of which access rights are exercisable to use and manage the land and conduct the ownership of it in a way which, as respects those rights, is responsible." This is reasonably interpreted as land managers being responsible for providing a suitable alternative to allow legitimate recreational access where access along the main track is obstructed or restricted by a cattle grid. Unlike in England and Wales, there is no legal prescription as to exactly what form the "suitable alternative" should take, but on paths and tracks which horses would be legally entitled to use, to comply with the Land Reform Act the alternative access should be accessible with a horse. This means that any side gate should allow a minimum 1.5 m opening width (see <https://www.pathsforall.org.uk/resource/outdoor-access-design-guide> for further details).

The gate or alternative bypass need not necessarily be immediately adjacent to the cattle grid but should be within reasonable distance (say 50 m maximum), easily identifiable and accessible. The BHS recommend that wherever possible gates should be designed and installed to enable riders to open and close them without dismounting, but there is no legal compulsion in Scotland to enforce this, and it is up to individual riders to assess for themselves whether they consider it safer to dismount and lead their horse through, particularly through gates very close to a cattle grid.

Sports/playing fields, gardens, curtilage of buildings and sufficient land adjacent to houses to provide reasonable privacy and avoidance of disturbance are excluded from access rights, and there would not therefore be any obligation for a bypass to be installed alongside a cattle grid on a track providing access only to a house, garden or sports field. However, the wording of the Act does not necessarily mean that the full length of private drives or roads is excluded from recreational access rights. Although most people would avoid using somebody's private drive to honour access takers' responsibility of respecting the interests of other people, in some circumstances private drives or roads provide a key link onto other tracks. As such use by walkers, cyclists and horse riders would be within access rights, and a bypass to the cattle grid would be required.

### **Practical points re. cattle grids**

- The BHS recommends that the hinges of any gate alongside cattle grids should always be on the side nearest the grid to minimise risk of horses inadvertently stepping or falling into the grid.
- There must be a barrier between the grid and the bypass, ideally extending beyond the grid to prevent horses inadvertently injuring themselves by stepping into the grid.



- All bypass gates should be ideally in line with the middle of the grid rather than at an angle to protect horses (and other users) from both directions. Specifications for gates are included within the Outdoor Access Design Guide <https://www.pathsforall.org.uk/resource/outdoor-access-design-guide>
- Where large machinery or wider access is required it is not uncommon for the gate latching post to be next to the grid with removable fencing so that the entire width can be opened up as required.



Access through any bypass gate should be unrestricted in both directions. The yellow barrier post on the far side of this self-closing bridlegate makes it difficult for horses and users of mobility vehicles to negotiate the gate. If you come across a problem such as this, contact the landowner or manager, local access officer or your local equestrian access group to discuss appropriate action to remedy the problem.

Remember: in Scotland outdoor access rights depend on each individual taking responsibility for their own actions, and those of their dog or horse. Whether there is a protective fence alongside a cattle grid or not, you are responsible for preventing your horse stepping into the grid.

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see [www.bhsscotland.org.uk](http://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](mailto: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](mailto: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.