

RIDING AND CARRIAGE DRIVING THROUGH WOODS AND FORESTRY IN SCOTLAND

Woods and forests are a characteristic feature of many parts of Scotland, from Argyll's lichen-festooned ancient oakwoods and the gnarled granny pines of Glen Affric, to more recent forestry plantings, ranging from those which fringe the sandy coast at Tentsmuir in Fife or at Culben and Roseisle in Moray, to extensive plantings in the Tweed, Carron and many other valleys. Paths and tracks through many of these woods and forests provide fantastic opportunities for riding and carriage driving year-round.

The legal framework for access in Scotland is entirely different to that in England and Wales. Access rights in Scotland apply to all woodland and forestry, provided access rights are exercised responsibly. Horse riders and carriage drivers share exactly the same access rights as walkers, cyclists and other non-motorised access takers. Although in Scotland access rights are not restricted to linear rights of way, this does not necessarily mean you can ride or drive wherever you want. Many woods and forests are managed on a commercial basis, for game and/or timber. Timber felling and extraction, deer control and shooting are all entirely legitimate activities, but also potentially dangerous.

The guidance which follows summarises the legal context for riding and driving through woods and forests in Scotland, explains a bit more about your access rights and responsibilities as a horse rider or carriage driver, and how you can minimise risks to yourself and others.

Legal context for riding and driving through woods and forests in Scotland

Under the Land Reform (Scotland) Act 2003, access rights apply to all woods and forests in Scotland, regardless of whether they are publicly or privately owned. The size of the wood or forest is immaterial: access rights apply equally to shelterbelts and small copses of trees as to extensive forests, and to both conifer and broadleaved woodland. In theory access rights apply throughout woods or forests, rather than being limited to defined linear routes, but as legal right of access depends on exercising rights responsibly, in practice it is widely accepted that the most logical focus for access in woods is along paths and tracks. Trying to find a way through dense undergrowth, or through trees deliberately planted close together to encourage straight timber growth, can be challenging. Woods and forests have often been planted or left to grow on the least productive land from an agricultural perspective, often with boggy patches which are a potential hazard with a horse if you wander off paths and tracks. Sticking to paths and tracks minimises risk of damage or disturbance to trees, game and wildlife, and helps forest owners, managers and gamekeepers fulfil their responsibilities by taking account of recreational access when planning and undertaking any practical management.

Exclusions to access rights in forests and woodland

- Policy woodlands are, by definition, usually found around large houses. Access rights through policy woodland only apply provided there is no intrusion on the occupants' privacy, or incursion on property curtilage, unless there is a promoted or signed route or established right of way.
- Newly planted areas are readily susceptible to damage and as such are likely to be excluded from access rights, other than where using paths and tracks.
- Access rights may be temporarily suspended through a wood or forest during timber felling or extraction, but only while work is physically underway. The woodland or

forest manager is responsible for following best practice, which includes keeping the area affected, and duration and type of any precautions, to the minimum, for erecting notices at main access points and where possible providing and clearly signing mutually acceptable alternative routes.

Practical advice on riding in woods and forestry

- Keep to paths and tracks.
- Respect other people enjoying woods and forests. They have an equal right to be there as you.
- Restrict your speed to how far you can see. No-one should meet a horse unexpectedly galloping around a blind bend.
- Avoid causing any unnecessary damage to path or track surfacing by looking behind you occasionally. Faint hoofprints are fine, deep hoof marks which chew up the surface for other users are not (other than on forest roads or tracks used by vehicles). If the ground is wet, restrict your pace to walk.
- Wear high-viz to make sure you can easily be seen by anyone shooting, felling or extracting timber.
- Take note of safety notices (provided they are reasonable and within the spirit of the law). Access restrictions should be time limited to the duration of any potentially dangerous management activities.
- Follow diversions where appropriate during shooting, timber felling, extraction or other critical management, or when authorised events are taking place in a forest, such as mountain bike, sled-dog or car rallies.
- Keep a safe distance from any machinery.
- Remain constantly aware of potential risks.

Shooting in forests

Woods throughout Scotland are commonly used for rearing pheasants and other game birds. A proportion of the previous year's birds are left to breed, which will nest on the ground from April to July. Hand-reared young birds are usually released during summer to supplement breeding stock. Shooting season runs from autumn through winter, varying depending on species, finishing by 1st February.

Deer control also takes place year-round in some forestry and woodlands to limit damage to young saplings. Shooting is usually at dawn and dusk.

Shooting does not negate access rights, but for your own safety you should take notice of any reasonable requests to avoid certain areas while shooting is underway, stick to paths and tracks which anyone shooting must take into account, and wear high-viz to make sure you are readily visible.

Frequently asked questions about riding and driving through woodland and forestry

Can woodland owners and managers decide for themselves which paths, tracks or other areas horse-riders or carriage drivers can use?

Generally not. Access rights apply to most land, including all woods and forests, provided people exercise their rights responsibly. Where woodland owners and managers are concerned about risk of damage or potential conflict between different types of use, they are recommended to identify and actively promote routes for different users. John Muir Country

Park in East Lothian is a good example where map boards clearly show which paths and tracks are suitable for riding, which most riders will then choose to use.

How do I know which paths or tracks through woods and forests are passable with a horse?

Some woods and forests have information boards at key entry points. Otherwise the simplest way of finding out is to ask other riders or carriage drivers, the woodland manager or owner. For other suggestions, see BHS Scotland's fact sheet "Finding places to ride and drive off road in Scotland".

Can I drive my horse(s) on forest tracks and roads?

Access rights through woods and forests include carriage driving. Realistically, tracks and forest roads are likely to be most suitable. The most common problem is not being able to access the tracks from a public road because of barriers designed to restrict illegal vehicular access. Where there is no need to restrict livestock movement, leaving a gap (such as the Kent Carriage gap included in the Outdoor Access Design Guide (see above) or installing a horse stile alongside may be the answer. However, landowners may be reluctant to agree to this where illegal motorbike use is a potential issue. In such circumstances, it may be worth considering negotiating provision of a key to unlock the gate to allow you access for carriage driving without compromising control of illegal access.

What can I do about a locked gate or barrier across a track otherwise suitable for multi-use where there is no readily identifiable or useable alternative passable with a horse?

First find out who owns and/or manages the forestry or woodland. Approximately one third of woodland and forestry in Scotland is state owned by Forestry and Land Scotland (FLS). The boundaries of state owned woodland are usually shown on Ordnance Survey maps with a purple line and purple rectangular tree symbol in the middle of the area. The remaining 60% of woodland forestry is privately owned. Exactly the same access rights and responsibilities apply regardless of who owns the land, but you need to contact the right person or organisation to try and resolve the problem. For state owned woodland or forestry, contact the relevant FLS local office, explain the problem and try and agree a mutually acceptable resolution. If this doesn't resolve the problem, speak with the regional FLS manager, or contact BHS.

For private woodland and forestry, you will need to find who owns or manages the wood or forest. There may be a sign at the entrance, or you could try searching on the internet. If neither of these yields the necessary information, try asking around locally (particularly neighbouring farms or landowners). Or ask your local access officer.

Talk with the owner or manager about why they have locked the gate or restricted access and more appropriate options which will allow legitimate access while still controlling illegal vehicular access. Remember that the basic principle of using the least restrictive option is the same for all access in Scotland. BHS Scotland's fact sheet on managing access in woodland and forestry includes some examples. Leaving a gap alongside a barrier or locked gate is the best solution where control of livestock or motorbikes isn't an issue, in which case a self-closing gate or horse stile may be the answer. For further details, the Outdoor Access Design Guide will tell you everything you need to know about options and technical specifications <https://www.pathsforall.org.uk/pfa/creating-paths/outdoor-access-design-guide.html>. Speak with your local BHS access representative and/or local Equestrian Access Group, if there is one. Be prepared to help yourself: could you fund raise or apply for funding to install appropriate access facility? If the owner or manager resists your approach,

enlist the help of the access authority. Always remember to be polite, courteous, and to put yourself in the other person's shoes.

I've heard that someone is planning to plant part of their land with new woodland which may affect where we currently ride or drive, or where we would like to in future. What should I do?

It is far easier to influence what happens at the design stage than once planting has started, so keep an eye out, and your ear to the ground, for any new planting proposals. BHS Scotland has produced separate notes providing "Guidance for riders and carriage drivers in responding to forest and woodland plans" which tells you how to look at and comment on plans, which can be downloaded from the BHS website <https://www.bhs.org.uk/bhs-in-your-area/scotland/resources/scottish-access-resources-and-riding-routes>.

What can I do about a new deer fence which has been erected across a path or track used for recreational access?

Contact your local BHS access representative (contact details available from BHS Scotland), Equestrian Access Group (if there is one) or the relevant access authority and ask if they are aware of the problem. It may be that someone else has already flagged up the problem and they are working on it. Or they may suggest you identify and contact the owner/manager of the land direct. Check if the path or track is shown on the core path plan (usually available online or in local libraries) or is recorded on the Catalogue of Rights of Way maintained by Scotways (access authorities also have a copy of this information). If not, ask the owner/manager if they were aware of people wanting to use that path or track and explore options to resolve the problem. The BHS factsheet on dealing with equestrian access problems in Scotland (which can be downloaded from the BHS website at the same link as above) offers more suggestions on how to deal with issues such as this.

It is also worth checking whether the new woodland planting was grant funded through the government, and if so, how public access provision was taken into account in the woodland planting scheme or forest design plan. You can check this out through the relevant regional conservancy office of Scottish Forestry.

Are woodland owners and managers obliged to take recreational access into account when building, maintaining or resurfacing forest roads or other tracks?

The short answer is no. Part 1 Section 3 of the Land Reform Act places a duty on every owner of land in respect of which access rights are exercisable "to use and manage the land in a way which, as respects those rights, is responsible.... if it does not cause unreasonable interference with the access rights of any person exercising or seeking to exercise them". Forest roads and tracks are constructed and maintained primarily for the purpose of woodland management and timber extraction. Erection of a barrier or other obstruction without alternative provision for legitimate access takers would unreasonably interfere with access rights, but even if your horse doesn't like it (particularly if barefoot), surfacing a forest road or track with sharp, unbound stone or any other material would not be deemed as interfering with legal access rights. Newly laid surfacing usually beds down fairly quickly, and is softened by soil and mud on the wheels of timber traffic. In the meantime, you may prefer to use alternative routes.

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see www.bhs.org.uk/scotland for contact details) or Helene Mauchlen, National Manager for Scotland Tel. 07808 141077 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

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