

NORTH YORKSHIRE
LOCAL ACCESS FORUM

23 February 2006

Use of Access Land for Training Racehorses

1.0 Purpose of Report

The purpose of this report is to seek the Local Access Forum's views on issues relating to the training of racehorses on access land.

2.0 Background

2.1 This report is concerned with interpretation of a section of the Countryside and Rights of Way Act 2000. There is a section in the Act that lists "excepted land". Excepted land is land that has been mapped as open access but is not available to the public for access. Within this list is "land habitually used for the training of racehorses". There is a sub section that explains that this land is only excepted "between dawn and midday and any other time the land is used for training". There is also a section that gives access authorities the power to remove signs that are misleading and the power to enter land to erect signs or remove them. The legislation can be found: <http://www.opsi.gov.uk/>

3.0 Questions raised by the Ramblers Association

3.1 An approach has been made by a local member of the Ramblers Association concerning open access land at Thixendale in the Yorkshire Wolds, where a land manager erected notices at the entry points to a parcel of access land reading 'Excepted Land No Access'. The land is used for the training of racehorses and therefore would appear to fall within the definition of 'excepted land' set out above. The land manager has agreed to change the signs but he has concerns about the safety of the access land due to it being used as a gallop. The land manager is also a farmer and it is often the case that he does not get onto the gallops until the afternoon. This is the time when people have access onto the land if they are not aware horses are being galloped. The following questions have been raised by the Ramblers Association:

1. "What is a racehorse and what is training? No general racehorse training activity has been seen at the site. Horses do graze on the land and there are a number of jumps in it. Mr Brader does not appear to hold a trainers licence nor does anyone else within 10 miles. I would suggest that a racehorse is a horse registered with the appropriate authority to take part in flat racing, steeple chasing or hurdling. I would query whether point-to-point horses should be included and show jumping and dressage horses should definitely be excluded. As far as I am aware anyone training racehorses must be registered with the Jockey Club and have their own premises. Training would seem to exclude breaking in and schooling, which would not take place on open land, but to comprise gallops, normally on fixed routes, and jumping over racecourse type jumps.

I have not read the reports of the debates but I would have thought that the reason for the exclusion was to protect walkers from suddenly being confronted by a string of racehorses galloping at speed. If horses are merely grazing on the access land they are not being trained and form no more danger than cows in a similar situation.

2. Can the landowner just declare an exception because of racehorses or are the Access Authority/CA/Defra able to ask him to prove that there are racehorses in training. Trainers often use different areas for summer and winter training in which case the exception would not apply for all the year. If the agencies cannot get proof that there are racehorses in training it would be open to walkers to exercise their rights, ignore the notices and see if the landowner takes any action.
3. S 19 of CROW gives the power to erect notices and to consult and S40 (2)(c) gives the power to enter on land to erect a notice. To me this reads as being able to erect notices on land without the owners consent or giving them a power to dictate the wording. I appreciate that you will normally try and obtain agreement about both matters but at the end of the day surely you have to take the final decision. Would you agree that all notices regarding access should bear the access symbol?
4. How long can the Access Authority wait to take any necessary action before Mr Brader decides to make a formal application for a restriction order bearing in mind that this may be a delaying ploy?
5. Correct notices should be erected on all accesses to the excepted land and notices confirming unrestricted access should be put up on the nearby unrestricted access land. I would suggest that to assist the public the notice should give more information about the reason for the morning restriction. What has happened at other racehorse training grounds such as Middleham?"

4.0 Responses to questions

4.1 We have looked into the questions raised by the Ramblers Association and in consultation with other organisations have attempted to answer them.

1. There is no definition of what a racehorse is within the act and so it is open to interpretation. We have been to visit the tenant farmer who manages the land in question. As part of his business the family train and race point-to-point racehorses and are registered with Whetherby's. We have visited the gallops and have seen evidence that horses are trained there. As such we are satisfied that horses are galloped in the dale and we have no reason to disagree with the land manager. Further information supplied by the Jockey Club would suggest that the training of horses for point-to-point should also fall within the definition of racehorse training.

2. In the act there is no requirement for the access authority or any other authority to check each parcel of land that has been declared as land used for the training of racehorses. An individual or organisation could argue against the land manager's declaration through the courts.
3. We have used the following wording on the notices:

CAUTION

RACEHORSES IN TRAINING

THERE IS NO RIGHT OF ACCESS ON THIS LAND
BETWEEN DAWN AND MIDDAY AND AT ANY OTHER
TIME WHEN RACEHORSES ARE IN TRAINING.

We eventually used this wording for two reasons. Firstly it was suggested to us by the Countryside Agency when we had a similar issue at the gallops in Middleham. If it is accepted that the land at Thixendale is used in a similar way for the training of racehorses, then there is a need for the message to be consistent at both sites. Secondly, the wording has been discussed and agreed with the landowner. Advice given by DEFRA is that such issues should wherever possible be resolved by agreement. For these reasons we are inclined to keep on using his wording. The original misleading signs have been removed and replaced with factual signs, phrased within the terms of the legislation. It is accepted that the signs do need to have the open access symbol along side the sign, so people can associate the wording with the access legislation. For this reason, symbols have now been erected at the sites.

4. The land manager has serious concerns about the safety of jockeys, horses and walkers. He is proposing to apply to the Countryside Agency for seasonal restrictions. If he is successful, the signage will have to be changed to reflect the new circumstances.
5. We agree that notices need to be sited at two other access points to the same block of land so that it is clear which area is affected.

5.0 Recommendations

- 5.1 Members are asked to note the action taken by the County Council, the response set out above to the questions raised by the Ramblers Association, and to concur that the action taken is appropriate in the circumstances.

Author of Report

Chris Jones
Access Officer
01423 712950