

## **RIDING ON BEACHES**

The Countryside Agency research on 'Rights of Way in the 21st Century' and the 'Rural Routes and Networks' 2002 reported the fact that the access network for horse riders was less fit for purpose and more disjointed than that of the other user groups.

Despite this advice no proactive action has been taken. Instead the emphasis of policy and funding has been transferred almost exclusively to the development of access for walking and cycling. These policies, made without consideration for horse riders' needs, have all resulted in a damaging reduction in their countryside access:

Examples of this are:

**The CROW Act** – benefit to walkers

Consequence – reduction in existing access for horse riders to some common land

**Walking and Cycling Strategy** - benefit to walkers and cyclists

Consequence: the availability of generous funding has created an imbalance. Local Authorities have shifted their priorities away from delivering rights of way networks to everyone to paths specifically for walking and cycling. Horse riders have been excluded from the planning stages of these projects. This has frequently resulted in reductions of the quality and quantity of their existing access.

**Forestry commission Strategy** – benefit (supposedly) for all

Consequence – many FC controlled sites are now less welcoming to horse riders. The permit and toll systems introduced make it more complicated and expensive for the public to enjoy and many riders feel it is discriminatory because no restrictions are applied to cyclists and walkers.

**Discovering Lost Ways:** benefit none. The abandoning of this project has been a blow to horse riders relying on this project to provide a remedy for their fractured network. They had hoped it would provide the ability to use many of their old routes currently wrongly defined as footpaths.

The **MARINE BILL** is currently making its way through Parliament. It proposes to grant statutory rights of access to people on foot to foreshores and beaches whilst ignoring the Asken Report 2007 which warned this would result in a further loss of access for horse riders.

This general shift in policy making towards privatising countryside access for horse riders is reflected in the paper for the 'Workshop to Inform the Future Strategy for Natural England 2005' which appears to recommend toll rides for horse riders for 2026. Natural England has got the balance wrong as it is increasingly biased towards its stakeholders whose interests are diametrically opposed to public access, with horse riders bearing the brunt. The disadvantages of privatized access are: that toll rides make horse riding more expensive at a time when the industry is trying to be more inclusive and attract participants from all backgrounds and income groups. Toll rides and permissive access are easily removed and will exist only as long as favourable market conditions prevail. Although agri-environment schemes are popular with landowners, they have failed to provide access for horse riders in any meaningful way.

### **Observations**

The Scotland Land Reform Act 2003 has given the public a statutory right of air and exercise to the beaches and foreshores on foot and on horseback, subject to a code of conduct. This formalised pre-existing common law rights.

However, those preparing the Marine Bill have taken the view that the rights of public access in England differ from the common law rights that existed in Scotland prior to that Act. By choosing to interpret case law in this controversial way, Natural England is pursuing a policy of exclusion rather than inclusion, and riders' existing common law 'de facto' rights will not be protected. Without such protection horse riders are vulnerable to challenge and restriction on the freedoms they currently enjoy.

Conclusion: the negative impact of the Marine Bill on horse riders has either not been properly quantified by government or there is a deliberate intention to reduce public access for horse riders.

Footnote: The British Horse Society is pressing for an amendment to the Bill which will acknowledge existing rights for horse riders. There is to be a pilot study from Cleveland to Flamborough later this year which will highlight all equestrian opportunities along this stretch of coast, and what could be achieved under sec.16 of the CROW Act.

This is condensed from a research paper in January 2009, available with detailed argument and information on <http://beachriding.blogspot.com/>