



The British Horse Society
Registered Charity Nos. 210504
and SC038516

The British Horse Society

Bodmin Moor

Report

A Rider Survey of the Moor

**(including Horse Access, Permit Scheme,
Erosion and other issues)**

September 2009

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1. Introduction

1.1 Permit Scheme - Survey

In view of the proposal by the Association of Bodmin Moor Commons Landowners (ABMCL) to implement a permit scheme for riding on the moor, the British Horse Society has conducted a survey of riders on the moor to:

- Seek views on such a scheme on the moor
- Gain knowledge of any damage or erosion on the moor
- Seek knowledge and scale of any problems caused by “Equine Tourism”
- Gain knowledge of equine use of the moor

The survey also asked about experience of any permit schemes in other places.

The survey has been conducted to reach as many riders as possible via the web and by paper survey.

The Rider Questionnaire is shown in Appendix 5.

The survey was designed to be as unbiased as possible given the information currently known about the nature of the scheme itself and why it has been proposed. Its aim was to seek information and not to pre-empt it, or to direct the answers.

The survey asked specific questions, but also gave ample opportunity for riders to give additional information about the moor, its use, erosion and problems observed.

Replies have been received from 120 riders. All replies have been included in the results. 95% of riders gave their name.

All riders in the postcode areas around Bodmin Moor were invited, either email or by post, to complete the survey.

The survey has also been available on www.bhsaccesscornwall.org.uk for any rider to complete.

Although this survey and report was instigated because of concerns about future equine access to the moor, the Survey has yielded a useful insight into the moor and its users.

The survey also gave some useful information back on other permit schemes, and especially Forestry Commission woodland. The feedback indicated how impractical such schemes are, and how many riders do ignore them. It must be noted that there does not appear to be a uniform policy on such permits, as many FC forests in other part of the country are freely available to riders

1.2 The Way Forward

A way forward must be found to address the concerns of Landowners, Commoners and Horse Riders. A solution must also be found for addressing all issues on the moor in a joined up way. The British Horse Society does not believe that targetting one user group in the manner proposed is necessary or helpful to this aim.

This document makes suggestions for starting this process.

2. The Moor and its Users

It is important in looking at the horse riding issue to be aware of all users of the moor.

2.1 Landowners, Commoners, Farmers

The historic major users of the land are the owners and graziers which led to the existence of "Commons".

2.2 Walkers

Walkers have enjoyed free (de facto) access to the moor for many years since the motor car opened up the county to visitors. Walkers were subsequently given the right of access by the CROW Act 2000.

2.3 Horse Riders and Riding

Along with walkers, horse riders have always enjoyed free (de facto) access to much of the moor. In older times the moor no doubt had many important through highways across it used by horses, pack animals etc.

2.4 Other Users

In recent years many other outdoor pursuits have developed that use open countryside and moorland areas. These include non motorised and motorised. Examples are climbing, paragliding, microlights orienteering etc. Climbing and orienteering are included under CROW but other activities are not.

2.5 Vehicle Users (legal and illegal)

Vehicles are now an inherent part of land and stock management and landowners and graziers have the right to use vehicles on the moor for those purposes. Other recreational use of vehicles has developed, eg Motorbikes, Quads and 4 X 4s. These new and often intrusive and damaging activities do cause great problems on the moor. Use of motorised vehicles on the moor without due authority is an offence unless on road or byway.

2.6 Commercial Users

Many businesses have developed to promote outdoor activities. From B&B establishments, to outdoor centres to equine riding establishments. All of these rely on the moor and access for the existence of their businesses.

2.7 Ministry of Defence

The ministry of defence has (leased?) access rights on some parts of the moor for military training exercises.

3. Commons and Commoners

3.1 What are Commons?

In general terms, common land is land owned by one person over which another person is entitled to exercise rights of common (such as grazing animals or cutting bracken for livestock bedding), and these rights are generally exercisable in common with others.

However, in legal terms, the situation is more complex. There is no single definition of the term 'common land', or indeed of 'common' or 'common rights'.

3.2 Commons Acts

There have been various Acts of parliament relating to Common Land going back to the 19th century when land was being enclosed (Inclosure Acts). These acts gave degrees of protection to Common Land and the rights of graziers.

3.2.1 The Commons Registration Act 1965 established a register of common land. However numerous inconsistencies and irregularities remain.

3.2.2 The Commons Act 2006 has defined a process for rectification for some of these issues. The Act was passed to protect our common land for current and future generations, and deliver real benefits in terms of sustainable farming, public access and biodiversity.

3.2.3 The Bodmin Commons Bill 1996.

This Bill never made the statute books but the second reading of the Bodmin Commons Bill (Hansard), in 1996, gives an interesting insight into access to the moor. Public Access was wanted by many to be included in the Bill and to include horse riding, but the clause relating to public access was withdrawn subject to debate and apparent safeguards. The situation on Bodmin Moor was compared to Dartmoor National Park, where every walker has a statutory right to walk and every rider to ride across the moor. It was therefore argued that access should be included in this Commons Bill but the argument failed.

The Bill was a private Bill, promoted by Cornwall County Council, to deal with a specific, but unspecified, difficulty. The promoters felt that it was not appropriate to encompass the wider national question of access.

De Facto Access on many parts of the Moor were acknowledged.

The BHS and Riding Establishments were "petitioners" asking for horse access to be included. Eventually petitions against the Bill lodged by the British Horse Society and the owners of a riding establishments on the edge of the moor were withdrawn because they accepted that the promoters (Cornwall County Council) met their concerns in other ways (details not currently known).

It was specifically emphasised, however, that nothing in the Bill would alter the availability of public access to the commons (ie existing De Facto Access.)

Subsequently however Rights for Walkers only were given under the CROW Act 2000, with indirect subsequent consequences for equine access.

4. The Concerns of the Association of Bodmin Moor Commons Landowners

The report of the ABMCL Bodmin Moor Development and Communication Project identifies Bodmin Moor as a prime location for illegal raves, fly tipping and the use of off road vehicles. The report however does not identify any particular damage or erosion by any users of the moor either legal or illegal.

It states, but without evidence, that *"Horse riding has been identified as one of the fastest expanding pastimes with many new livery and riding stables setting up across the countryside. Despite riding being a countryside pursuit, it has now become necessary to regulate the number of riders using the moors as an essential land management obligation and as part of the conservation and protection of the moorland environment"*.

In a further statement made directly to the BHS the ABMCL states that:

"This (permit) scheme has been developed with the riding community in mind. It is not intended as a means of "taxation", but as a way of ensuring that the local riding community continue to have the best opportunity and enjoyment from their pastime possible." and that "all profits are to be used for future management and conservation of the moor by the Association".

The Cornwall Area of Outstanding Area Partnership further clarified the landowners' concerns in a letter to Matthew Taylor MP that said

"The landowners wish to implement a horse permit scheme in order to achieve some funds to manage erosion and other problems caused by the riding of horses across the moor. "

Another concern expressed in verbal discussions the ABMCL chairman was about liabilities as he believed that the CROW Act had affected the landowners' liabilities for other activities on the moor.

5. The Rights of Access on the Moor

(This section deals with public rights not the private rights of Commoners.)

5.1 The Legalities

- There are very few recorded rights of way on Bodmin Moor either for walkers or riders. One or two bridleways do lead onto the moor.
- The CROW Act 2000 (Right to Roam Legislation) gave rights to walkers to access the Moor but not to riders.
- Walkers previously had regularly and freely used the moor as had riders (De Facto Access).
- Importantly the CROW Act does NOT take away any rights (recorded or unrecorded) for riders to access the Moor, or affect de facto access by riders in any way..
- The CROW Act does not prohibit riders from the moor in any way. Any prohibition is purely the prerogative of the landowners.
- Undoubtedly there are many paths and tracks on the moor that could be claimed as Rights of Way .

5.2 De Facto Access

De facto access was described in the Government's consultation paper on access to the open countryside (1998) as "access over land tolerated by [the] owner, particularly in upland areas and on commons. Such access is often founded in long-standing traditions." The essential elements of de facto access are the absence of any legal right to be present on the land, and the toleration or implied consent of the owner to the recreational user's presence.

It should be noted that before the CROW Act both walkers and riders enjoyed the same tradition of De facto Access to the moor.

6. The Survey and Results Overview

It is relevant at this point in this report to give an overview of the questions asked in the BHS survey and the answers obtained. Full survey results and in graphics are shown in Appendix 2.

6.1 Overview of Replies to the Specific Questions

6.1.1 We asked how often riders ride on the moor
43% of riders ride only once a month or less
57% of riders ride once a week or more

6.1.2 We asked how riders get to the moor
60% ride to the moor
14% both ride and box to the moor
26% box to the moor

6.1.3 Of those who only box to the moor
62% only ride once or twice a year
32% only ride Once or twice a month
6% ride once a week or more

6.1.4 We asked if riders could think of any reasons why they should not continue to enjoy free access?

92% said "No"
4% said "Yes"
4% replied "Don't Know"

Of the 4% only (4 riders) 2 supported a permit scheme 2 qualified their reply by saying only if special facilities were provided to justify any fee. The latter replies were not yes in respect of the existing riding on the moor.

6.1.5 We asked if riders thought they were an asset or were detrimental to the moor?

65% said riders were an asset
Two riders said detrimental. Qualified by just the following brief comments:
rider 1: *"cut up wet areas"*, rider 2: *"damage to surface - but hopefully observe stock"*

39% of riders specifically commented that they were eyes and ears for problems on the moor ranging from fallen and injured stock to reporting litter, damage, etc.
(of this 36% specifically mentioned and detailed their help in reporting on and helping stock from cast sheep, flyblown sheep, lambing, pony with broken leg, foaling etc.)

6.1.6 We asked if riders thought such a permit scheme would be workable, enforceable, or policable?

92% replied "No", Two riders replied "yes"

43% of riders specifically question how the scheme can be policed and state it to be unworkable.

6.1.7 We asked what riders would do if the permit scheme went ahead:

69% said they would not buy a permit but carry on riding
12% said would buy a permit (but reluctantly)
12% did not yet know
5% would stop riding
4% would buy a permit (5 riders) presumably willingly

Of these 5 riders:

No 1 said "I believe it would be much better to know where I should be riding so as not to upset the commoners"

No 2 (Anonymous) said "Other than bridleways riders are riding without a right"

No 3 said Cut Up Wet areas to legally open up areas would be in favour but also said Could not be policed on open moorland. Only if it makes economical sense and this money is used to repair/improve tracks

No 4 Too many horses being transported purely for galloping, but riding is an asset if ridden sensibly

No 5 said Forestry permits are not policable only damage seen - Tourists parking cars on moor.

Motorcycles driving over the moor

Unfortunately all these five replies were very brief and gave no real information.

6.2 Overview of Other Comments and Additional Information Given.

6.2.1 We asked riders to comment on the reasons which have been put forward for the scheme

- Control of Equine Tourism (number of horse boxes parking)
- Prevention of Erosion
- Income for the benefit of the moor (eg repair erosion)

a. With regard to income

4% of riders asked what any money raised is actually going to pay for.

17% of riders specifically comment that they think it is just a money making scheme for the landowners or an excuse to make money (their words).

b. With regard to damage and erosion

Only two riders (2%) report any damage by casual horse use apart from hoof prints see 6.1.5 above.

35% of riders specifically say that casual horse use causes no significant damage compared with other activities on the moor (eg walking and quads etc).

14% of riders specifically say that they have seen more significant damage and wear caused by walkers than any by horses.

43% of riders say that quads and other vehicles (eg farmers tractors and landrovers) are causing significant damage.

12% of riders note that rain and the weather often causes significant damage.

3% of riders note that the hunt does cause damage as they often go in conditions when most other riders stay away.

c. With regard to horse box parking

26% of riders specifically note they never see a significant number of horse boxes to cause any problems (1 or 2 at most even in the more popular places)

14% of riders say they see many cars parked in unsuitable places etc.

6.2.2 Although no specific questions were asked on the following issues, many riders made similar points on related issues as follows:

25% of riders asked why it is always riders that are discriminated against in these situations whilst walkers and cyclists always go free.

25% of riders made the point that this scheme would prejudice the safety of riders, youngsters and other road users by forcing more horses on the dangerous roads.
(Yes – roads ARE dangerous for horses – sorry Cornwall Council)

12% of riders said they were unable to afford any additional expenditure for any permits

8% of riders suggested charging for parking including cars as a better solution if box parking was really a problem

5% of riders make the point that specific new facilities need to be provided for any charge to be acceptable or justifiable

12% of riders made the point that the moor had been freely ridden for decades and centuries.

6.2.3 Experience of Forestry Permits

15% of riders said they rode in forests where permits were “required”

Of these 61% said they did not get a permit as the schemes were not practical or policable and schemes many were being abandoned.

7. Knowledge Gained from the Survey and other Sources

7.1 Erosion and its Causes

7.1.1 Evidence from Riders

No riders have seen any measurable damage by equines other than on occasions with the hunt on wet days and with the resident horses in localised locations.

A significant number of riders (43%/) said they see significant damage quads, motorbikes and farmers' own vehicles.

Walkers are identified by a good number of riders (14%) as causing significant erosion.

The weather and rain is also noted as a very significant factor in erosion (12% riders note this).

7.1.2 Evidence from Natural England

Natural England Cornwall Area Manager, Matthew Carter confirmed directly in a meeting with the British Horse Society that there is NO significant erosion caused by casual horse access to the moor. There is some damage in a couple of very localised locations but this damage can be dealt with very adequately by simple local conservation measures.

7.1.3 Evidence from recent BBC Countryfile (August)

In an interesting feature on using horses for managing cattle, shown 23 August, the statement was made that *"unlike quad bikes horses do not cause erosion"* and *"they triumph over quad bikes in looking after the cattle on the Wiltshire Downs"*.

7.2 Horse Box other Parking

A picture of the moor surrounded by horse boxes is painted. Information from the riders around the moor does portray a different picture with reports of numbers of cars and associated problems apparently outweighing any visible problem of boxes, which are occasionally seen one or two at a time at the most, in some locations.

Parking in the context of the moor will always be a difficult issue. Visitors do not always like to be pushed towards the "honey pots" where formal car parks are available.

This is why odd cars will be parked in seemingly unsuitable places. In one sense such scattered parking spreads the visitor and environmental impact over a wide area of the moor rather than one overrun location.

Focusing just on the perceived problems of horse box parking is not the answer.

Charging for parking could be a solution in proper facilitated places, all users cars, and boxes, towed caravans etc all being appropriately charged. However this cannot address the issue of the casual places (some suitable some unsuitable) that vehicles will use.

7.3 Equine Tourism

"Equine Tourism" is quoted as of major concern. However how is Equine Tourism defined?

Most box parking around the moor is not from "Equine Tourists" if you define such tourists as visitors to the County from elsewhere. Are such tourists day trippers from within the county or from 2 miles up the road? How long is a piece of string?

Equine tourists from outside of Cornwall bring welcome income to the county but are unlikely to ever to be in significant enough numbers in any one place to cause any problems. Any permit scheme, if introduced, would probably put off most such visitors, when there is good riding for free on Exmoor and Dartmoor.

7.4. Commercial Equine Use

Three commercial equine establishments have been identified around the moor, this excludes purely livery businesses.

The argument is made that equine establishments are using privately owned land on the Moor for the gain of their business and therefore should pay a special licence/permit. This may be true but the same

argument can also be applied to accommodation providers serving those who holiday to walk on the moor.

It could be argued that it is unreasonable to charge equine businesses but not also walking based businesses.

Equine business have many increasing overheads imposed by legislation, business rates and insurance. Many throughout Cornwall have closed or are struggling to stay profitable.

Imposing further access charges onto such businesses could seriously affect viability. How do you measure the financial benefit gained through use of the moor, and what extra charge could be sustainable?

There is no possibility of imposing such charges on walking based establishments because of the CROW Act. Equines are penalised once again.

8. Income from the Moor

Although it is not in scope of reference of this report to look at the finance and income of the moor, reference has been made by the ABMCL, in the justification for riding permits, for the need "to *manage erosion and other problems caused by the riding of horses across the moor*" and in a statement to the BHS, "*all profits are to be used for future management and conservation of the moor by the Association*".

It is therefore expedient to note in broad terms some of the obvious income streams from the moor so that the ABMCL's wish to achieve income from riding permits can be put into perspective.

8.1 Direct Income

Direct income comes to landowners and farmers from agricultural use of the land for grazing stock, complemented by DEFRA payments.

Other income may come from payments for allowing the land to be used for special events.

8.2 Indirect Income - Income to the Moorland Economy

This heading includes income that comes to the Bodmin Moor Area, its residents, farmers, and businesses.

A major source of such income will be tourism, from accommodation providers, to activity related businesses, to other service providers and other retail businesses.

Another important part of this income comes from very local tourism.

With regard to the equines the horses kept locally and ridden around the moor directly contribute to the local economy via livery, farriers, vets, feed suppliers, hay, straw suppliers, equine shops etc.

8.3 Rich Horse Owners

It is argued that because of the often quoted costs of keeping a horse that horse owners will have no problem in finding an extra £50. It is not a case of just one extra £50, which would be one too many for many owners, 50% of which earn well below the average wage. Many only keep their loved horse by dedication and scrimping and saving, and many on their own or borrowed pasture.

If charges once start being paid there is no cap on future charges. The situation would therefore become totally impossible for many.

9. The Viability of Permit Schemes in General

9.1 The Principle of Permit Schemes

The British Horse Society believes that riding should generally be free and available to all, as for walkers and cyclists.

Permit rides or toll rides may be appropriate in some circumstances but only where it is not possible to provide new free access for all riders and where there is no right of way recorded or unrecorded.

9.2 Existing Schemes

The major existing permit scheme for riders has existed for some time in many Forestry Commission Woods (e.g. Cardinham).

Many local riders who ride regularly in the woods have purchased permits, but our survey shows there could be many who ride who have not.

The Forestry Commission cannot issue day permits or temporary permits on the grounds of policing and staffing.

9.3 Riders Perspective of such Schemes

There is much evidence from the riders surveyed that many existing permit schemes elsewhere are not viable, policed, or generating any worthwhile income. The majority (61%) of riders with experience of such schemes say they do not work and are not obeyed.

There is a great resentment of permits where other users go for free and also especially where casual use is involved.

Some riders say they are happy to pay where special facilities for riders are provided – but not where similar facilities for other users are free of charge.

Riders do question the viability of such schemes from both landowners' and users' viewpoints taking into account the above and the practicalities and costs of administration.

The British Horse Society would like, and has been seeking, information on the take up of the Forestry Commission Permits in any one area and understand the reasoning for the permits and know the income (or loss) generated.

9.4 The Purpose, Practicalities and Viability of Permits

The questions in all these circumstances is what is the prime purpose of permits? Income generation always appears very dubious, control for control's sake is a conclusion easily drawn. Unless there is a large commercial establishment involved, problems caused by numbers of individual riders on the moor in any one location always seem low.

This is born out by all the reports in our survey. Riders on Bodmin Moor report only rarely seeing another horse and one or two at the most.

Permits can have a place where facilities are provided and run on a commercial basis, but in general are more suited to specialised facilities such as X-Country courses, or special on farm circular rides.

But unless facilities are used relatively intensely and/or for events the economics may not be viable. There may be much more income generated as a whole from more horses being kept in a locality as a result of good riding facilities, rather than any income direct from riders in the form of permits. The latter being likely to penalise and curtail other income.

10. Liabilities

10.1 The Impact of CROW Act

Various claims or assertions have been made about the effect of the CROW act on landowners' liabilities.

It must be remembered that the CROW Act only gives additional rights but only to walkers.

It does not affect any other users of any land in any way, whether they are users by recorded right, unrecorded right or De facto (tolerated access) or specifically permissive.

It does not affect the landowners' liability in respect of these other users. For walkers, and for walkers only, it actually reduces landowners' liability.

10.2 Liabilities of Users

ALL users are liable if through their own fault they cause damage or injury to a person, animal, possessions etc.

This applies to walkers, dog owners, horse riders, etc etc. Most sensible people ensure that they have third party cover for such eventualities. Often through their household policy or through specialised insurance policies. BHS Gold Membership provides such benefits. It is not a requirement in law to hold such insurance (other than for use of motor vehicles on a public highway)

Such insurance is valid even if technically a person could be trespassing. It will not cover any damage or injury done via a criminal act.

Various legislation relating liabilities and rights of access is given in Appendix 4.

11. Impact on existing Access Rights Recorded and Unrecorded

11.1 Definitive Bridleways

Any such scheme does not, and cannot, affect the rights of riders to use definitive bridleways. However in practice there are relatively few definitive bridleways on Bodmin Moor. However many of those that do exist give good access to other parts of the moor.

11.2 Unrecorded Rights of Way

There may well be unrecorded bridleway rights on many of the tracks on the moor. These rights could exist because of historical use. The imposition of any permit scheme would be an automatic challenge to these unrecorded rights, and therefore would require urgent examination of evidence to decide on the appropriateness of applications to get such routes legally recorded on the definitive map, and the instigation of such claims by users.

From the riders' responses there is a strong indication that many wish to pursue this course of action, as they consider they have an established and historic right to ride on many parts of the moor.

12. Rider Comments

Before proceeding to draw conclusions it is useful to show some relevant and representative rider comments on the issues that not only typify the strong feelings riders have about the permit issue but also show their knowledge of the moor and all its users. Only one or two comments are shown here under each heading.

Many more comments which give a really full picture of riders' views and issues are shown in Appendix 3.

12.1 Comment as to why riders believe they are an asset to the moor

"I believe riders on the moor are an asset. They often see things that farmers may not notice. This is key in animal welfare in remote places and also for noticing damage caused by unauthorised vehicles on the moor. There are frequently vehicles parked by visitors in quite sensitive places. Riders can often gently remind people that vehicles are not supposed to be there. Offence is not usually taken"

"Local riders are eyes and ears on the moor, covering more ground than walkers and with an elevated viewpoint. Usually carrying mobile phones, they could call for help if they find an injured person or animal. Furthermore, horses don't disturb wildlife and livestock as much as walkers and dogs."

12.2 Riders' views on the proposed charge on riders

"The cost would be extortionate for most riders who ride infrequently on the moor. The scheme would be almost impossible to police or enforce but it would make responsible riders feel very guilty if they didn't pay. The occasional rider from outside of area would not pay. It is a local tax on locals who traditionally have ridden on the moor like their forefathers."

"You would have to tax everyone ie walkers too. There are far more walkers on average than riders." - This comment demonstrates the real injustice felt by riders.

"As the cost represents nearly a whole week of my state pension I would have to think very carefully"

"This fee will be another nail in the coffin of riding schools, many of which have had to close due to rising costs"

"impossible to implement and police and creates a feeling of defiance and flouting the rules instead of courteous co-operation which we feel at the moment"

12.3 Riders' comments on erosion or damage caused by casual horse riding

"Erosion?? what damage do riders do that wild horses/cows/sheep don't already? or walkers for that matter?"

"How can a horse cause erosion? This is due to quad bikes!!! Why should horse riders only pay for damage caused by quad bikes"

"The number of riders using the moor is insufficient to cause erosion with the exception of mass usage such as hunting".

"I would say the damage caused by the quad bikes of the local hunt and commoners is a lot more significant as after they have been the ground is terrible. I could understand why the hunt and commoners should perhaps be charged."

12.4 Riders observations on "Equine Tourism" and Horsebox Parking

"Do we wish to control equine tourism? I thought the majority of people here benefitted from tourists, directly or indirectly."

"There are more problems on the moor with people based tourism parking up and leaving their rubbish lying around than there is with horse riders going along, enjoying the countryside and doing what we have done for many, many years."

"Equine Tourism - Someone please please tell me where the evidence is this for this. I frequently never see another rider. The car parks around Minions are certainly not overcrowded with horse boxes! The only people who use the moor in this way are locals. Equine Tourism is a gimic and a fantasy".

"I have lived in Mount for 15 years and have seen horse boxes parked on the moors only a handful of times. "

"I see the occasional horsebox parked but not usually more than two at once and usually none at all."

12.5 Riders' intentions if the scheme were implemented

"I will do whatever I can to avoid paying."

"I have yet to meet a rider who is prepared to pay for a permit, and everyone I have spoken to intends to continue riding on the moor. "

"I think most would not pay but continue to ride. I think enforcing it would be difficult.

"If any written statements are needed to the length of time riders hav ridden the moors unchallenged I have friends who have ridden over 40 years who are willing to state this."

12.6 Comments in Support of Scheme or Aspects of such Schemes

Most such comments emphasise the necessity of special provisions for riders and/or new access, and importantly expectations of significantly increased liability and responsibilities for landowners and commoners. It must be emphasised that comments in support of the scheme were a very small minority of those received.

One comment came via a commercial equine establishment saying *"If they do not live within 2 miles of the Moor and have to box up they should be the only ones who have to pay"* The same reply also said that the rider's intention was *"Do not buy a permit but carry on riding."* However no supporting information or comment on any problems or issues was given.

"A permit would make me feel much happier, it would give me a idea of where I could ride etc, would be great if it could be combine with other access in the area off road"

"If they start charging they will NEED to STOP STALLONS LOOSE on the moor - at the moment can't police this, very dangerous for riders. Don't mind paying for organised riding facilities eg jumps etc."

12.7 Further General Comments

"I have rarely seen another horsebox when visiting the moor. Plenty of cars, however. In terms of numbers, we are heavily out-numbered by walkers and cyclists, who contribute to erosion more than riders. Why should we foot the bill for their damage? "

"This is a money making scheme. It will not be of benefit to the environment of the moor. It will not control the numbers of horse boxes parking - nor is there an issue anyway. Money will only line the pockets of the implementing party. However, it is very likely that cost of administration could exceed any income."

"Ownership of open moorland is a privilege but with it come responsibilities which include the preservation of access for those who historically have used and enjoyed the moorland. Like speed cameras, it should not be used as a tool to fill someone's coffers just because it can. If there are no properly identifiable and quantifiable problems caused by people riding on the moor (like others I am

not aware of any), there is no need to control it. If control is appropriate, a permit scheme is unlikely to be an effective way of addressing the problems as it discriminates only on the ground of money”.

“Why do they feel the need to control equine tourism? As a resident of Cornwall I do not class myself as a tourist yet this scheme would apply to me - why? If they require income from the moor for erosion why are they picking on the horse riders? They should be treating all the moor users, walkers, cyclists, etc; the same, everyone creates some erosion and therefore should be responsible for supporting it's remediation. Horse riders are often seen as a soft target and ones that have money and therefore able to pay, that I feel is why we are being discriminated against.

I have spoken to many riders who are so upset by this scheme that they tell me that they will just refuse to pay because they cannot afford it (most riders are on well below the national income average), and because they see it as a step towards eroding their historical access and that the charge will not stop at £50.00”

If riders are going to pay then there has to be responsibilities from the organisers for health & safety. If my horse trips and damages itself they can pay my vet's bill.

13. Observations, Conclusions Regarding the Permit Scheme

13.1 Observations

- No riders who have contacted the BHS knew anything of the scheme even by rumour before the BHS found out about the proposals on May 9 2009.
- The scheme supposedly was to bring together the riders of the moor.
- The unanimous view of riders who have responded is one of great concern and many with much anger.
- Many consider that their traditional “rights” are being taken away
- Many view the scheme as a purely money making exercise
- Most say they will ignore the scheme and carry on riding
- No evidence has been produced to justify any requirement or potential benefits of the proposed scheme
- The proposed scheme is creating a feeling of defiance amongst riders where previously there had been good feeling and goodwill from riders

Two important questions asked are:

- a. *“Why are just equine users alone targeted by this and similar such schemes?”*
- b. *“Why should riders alone pay for erosion of the moor?”*

Important issues to note are:

- Any such scheme is likely to be unworkable in practice.
- It is impossible to get such a scheme that is fair and affordable by all.
- In many other places such schemes are being abandoned as unnecessary and impractical.
- The targeting of horse riders goes against all government policies of fairness and inclusiveness and the encouragement of healthy outdoor exercise.
- Many riders (25%) highlight the road safety issues of more riders being forced onto the busy roads.
- A few riders have indicated their willingness to pay for brand new access or specially provided facilities but not for access that is already available.

13.2 Conclusions

- The scheme does not address the wider access issues relating to the moor.
- The scheme does not address the wider erosion and management issues relating to the moor,
- The scheme has been proposed without any evidence of problems or any evidence of how the scheme could address any perceived issues
- Most riders consider any such scheme unpolicable (even those in support) and especially in the context of the casual user which the scheme seems to wish to target.
- At this time the BHS considers the proposals to be unnecessary, and extremely discriminatory and probably unworkable.

14. The Way Forward

14.1 Issues

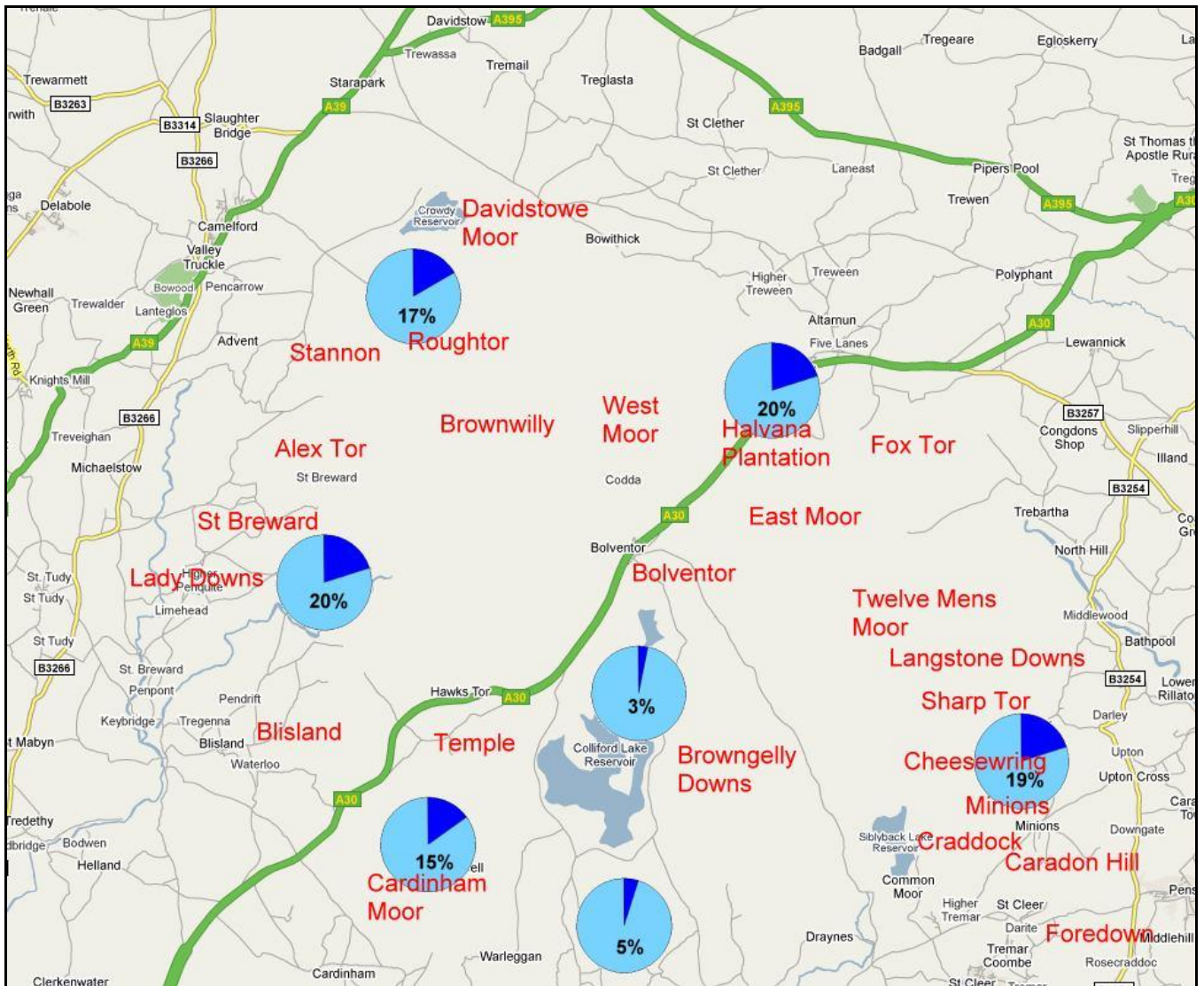
A way forward that will address both riders' and landowners' concerns needs to be determined.

1. All the real issues on the moor must be identified, and particularly those alleged to be related to horse riding.
2. All solutions should be examined with a permit scheme as a very last resort
3. For any solution to work (for the users of the moor, the moor itself, and the landowners and commoners), the solution must carry the good will of all.
4. From the survey responses, riders do care about the moor and wish to look after its valuable resource, and riders can play their part. Horse Riders are very animal orientated and understand the countryside. They also care very much about the moor and its management.
5. It is clear from the survey that many riders provide an important welfare function. It is therefore astonishing that the one group who positively help the graziers and potentially save them money through such help, should be the very group of users who would be financially penalised
6. The way forward is for real dialogue on the issues with all concerned, and on a local basis. Different parts of the moor are unique, as are potential problems. Focusing on the imposition of one particular global solution without discussion is not a practical or workable way forward.
7. Riders should be considered as "Friends of Bodmin Moor" and not as Foes of Bodmin Moor.

14.2 Practical Options

1. Look at ways to bring all users together to support and take an interest in the moor. A "Friends of Bodmin Moor Group" could be an option – this could possibly have a fund raising function (eg grants rather than permits).
2. Enable mechanisms for better communication and information dissemination between the landowners, graziers, and riders (and other users). This should be a two way process. (The ABMCL Communications Report's aim was supposedly to address this issue). A permit scheme is not helpful towards this goal. It would cause great resentment.
3. Self policing has been suggested in the context of the proposed permit scheme. Such policing should be directed at the well being of the moor and all users. As seen from user comments riders can play a useful role in this.
4. Examine the option of providing equine access in appropriate areas under the various provisions of the CROW Act.
This solution could address two issues:
 - i. Liability Concerns
 - ii. Access Controls for Management when required
5. Sensible discussion of the problems/issues with all parties rather than targeting just horse riders with a punitive scheme, is a better, democratic, and more practical way forward.

Appendix 1 Map of Equine Usage of the Moor



Parts of the Moor reported as being ridden shown in Red

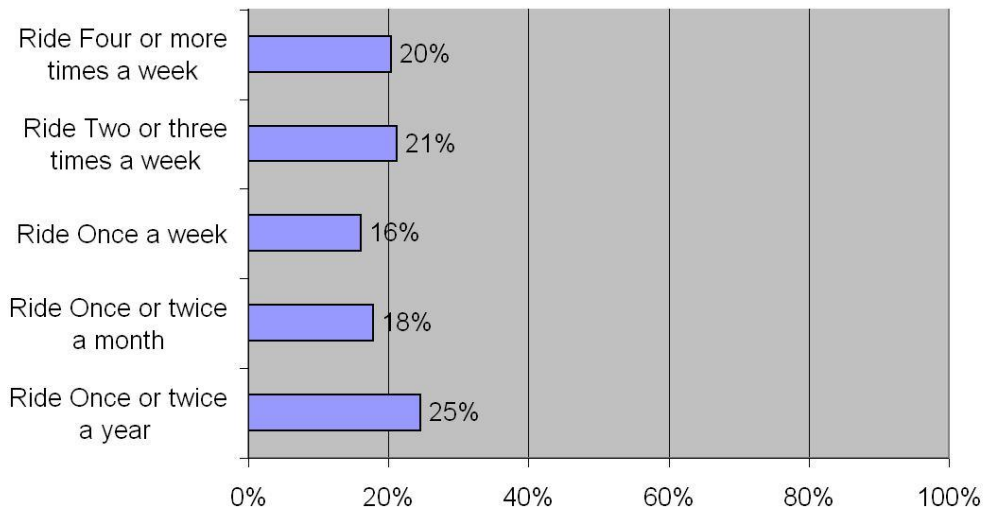
Percentages show the distribution of riders over the moor by where they ride.

Distribution shown only in broad terms (not Tor by Tor)

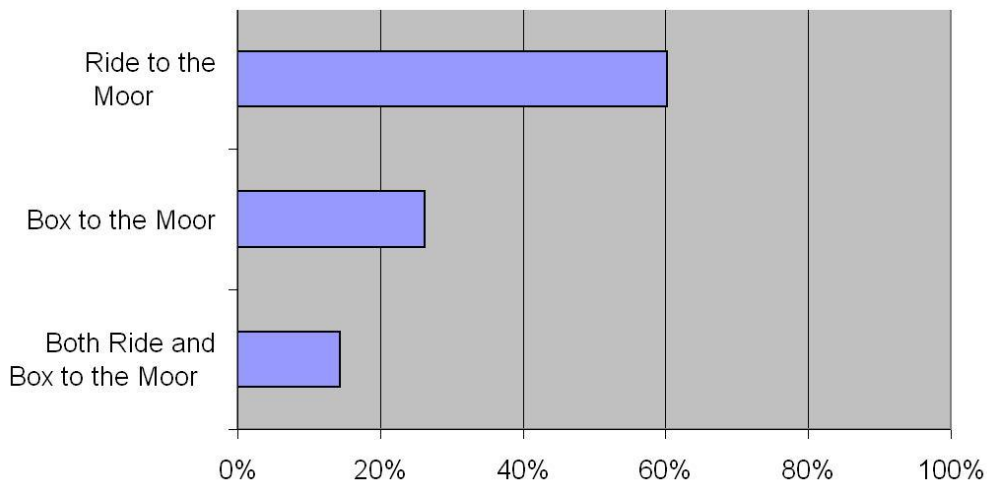
Appendix 2 Survey Detailed Statistics

1. Specific Questions and Answers

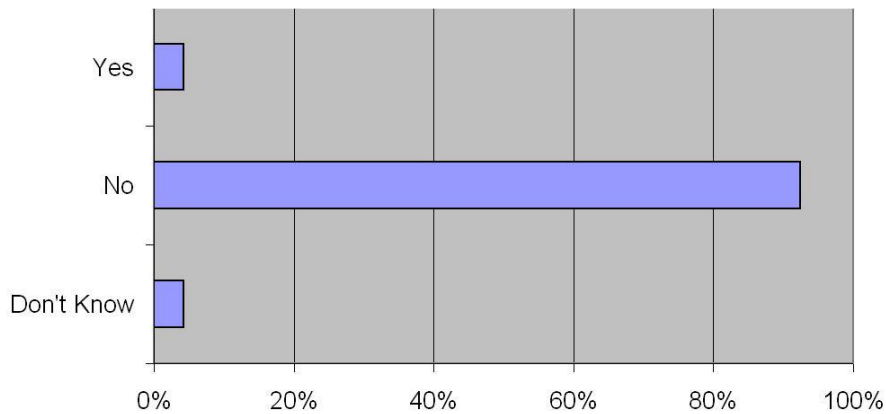
We asked how often riders ride the moor



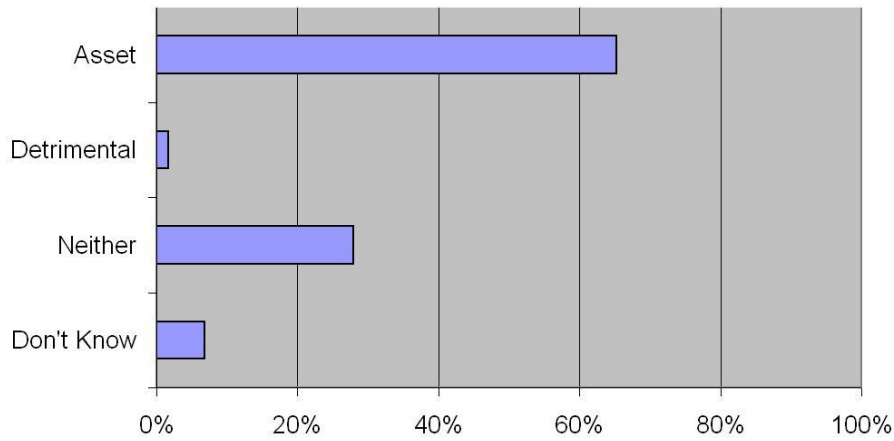
We asked how riders get to the moor



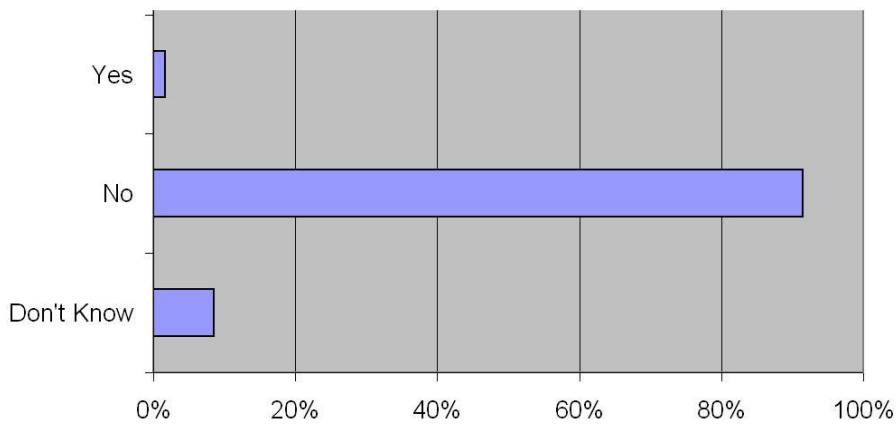
We asked if riders could think of any reasons why they should not continue to enjoy free access?



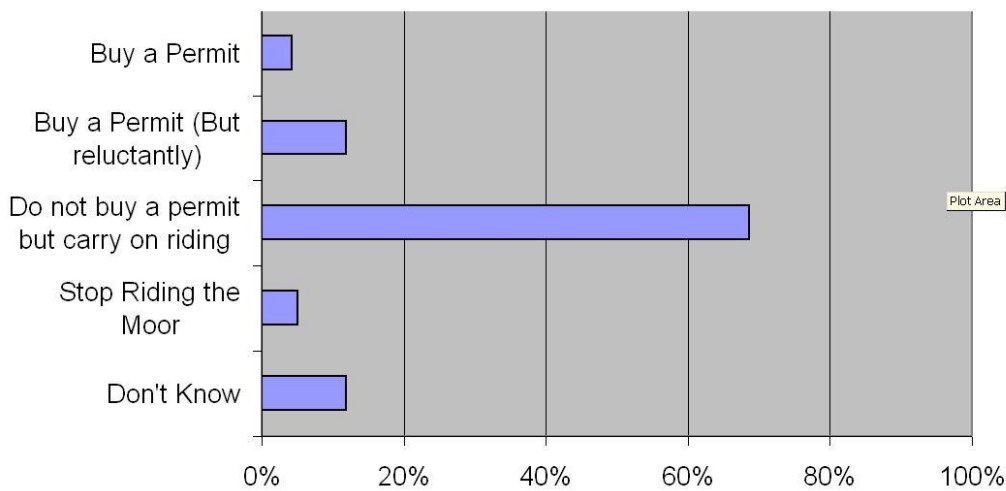
We asked if riders thought they were an asset or were detrimental to the moor?



We asked if riders thought such a scheme would be workable, enforceable, or policable?




We asked what riders would do if the permit scheme went ahead:




2. Analysis of Comments and Information given in the Answers

a. We asked if riders were an asset or detrimental to the moor

 39% of riders said they are very useful eyes and ears on the moor and they often spot injured or ill stock and other problems and report them to the commoners

b. With regard to enforcement, many specific comments are made

 43% of riders specifically question how the scheme can be policed and consider it unworkable.


c. We asked riders to comment on the reasons which have been put forward for the scheme viz.


Control of Equine Tourism (number of horse boxes parking)

Prevention of Erosion


Income for the benefit of the moor (eg repair erosion)


With regard to income


 4% of riders ask what any money raised is actually going to pay for.


 17% of riders say that they think it is just a money making scheme for the landowners or an excuse to make money (their words)


With regard to damage and erosion


 2% of riders say casual horse use causes any damage.

 35% of riders specifically say that casual horse use causes no significant damage compared with other activities on the moor (eg walking and quads etc).

 14% of riders specifically say that they have seen more significant damage and wear caused by walkers than any by horses


 43% of riders say that quads and other vehicles (eg farmers tractors and landrovers) are causing significant damage


 3% of riders note that the hunt does cause damage as they often go in conditions when most other riders stay away.

 12% of riders note that rain and the weather often causes significant damage


With regard to horse box parking


No Riders report knowing of any problems caused by horse box parking


 26% of riders specifically note they NEVER SEE a significant number of horse boxes to cause any problems (1 or 2 at most even in the more popular places)


 14% of riders say they see many more cars parked in unsuitable places etc.


d. Although we asked no specific question

 25% of riders asked why it is always riders that are discriminated against in these situations whilst walkers and cyclists always go free.

 12% of riders said they were unable to afford any additional expenditure of any permits

 8% of riders suggested charging for parking including cars as a better solution if box parking was really a problem

 5% of riders make the point that specific new facilities need to be provided for any charge to be acceptable or justifiable

 25% of riders expressed graet concern about road safety implications of forcing riders off the moor onto the roads

Appendix 3 Detailed Rider Comments from the Survey

3,1 General Comments on Access to the Moor

- There is a long tradition of riding on the moor and I have been doing this for over 30 years with no challenge
- We have ridden over the moor for more than 21 years thereby establishing a right to do so.
- The moor is a huge area and the impact of horseriders is negligible especially when compared to the far greater numbers of farm animals roaming freely and not controlled.
- With ever increasing amounts of traffic on the roads, the moor offers somewhere away from the dangers of traffic- why should those who are fortunate enough to live there feel they have the right to charge those who are less fortunate?
- Bodmin Moor in general is not over used by riders except in very popular places. I very rarely see another rider when I'm out on the moor. Riders are not causing any significant damage. Blanket restrictions should not be used to address any very local problems.
- If you respect the moors, horses cause little or no damage to the moors. The damage is caused by quad bikes. Also people walking dogs drive onto the moors.
- I have seen no evidence of damage caused by riders on the moor with the exception of hunting where large numbers of horses follow the same track.
- It appears to me that this is mainly to generate income for land owners. There seems no other reason for this, as there are no improved facilities being offered for the money.
- Horse riders I feel have an appreciation of the countryside around and treat it with respect and consideration which I always do whilst out riding. Some of the walkers I have come in contact with, the litter I come across from walkers or people visiting the moor, as well as people camping illegally, leaves me quite horrified at times.
- I am outraged that riders have been discriminated against by charging for what other groups (motor bike riders, quad bike riders walkers) get free. Horse riding has been free over Bodmin Moor for time and memorial and I cannot understand why riders are being targeted particularly as I have never seen groups of riders or more than one or two riders at any one time when I have been on the Moor. I often walk Bodmin Moor and again have never seen more than one or two riders at any one time
- I have ridden these areas since childhood some 40 yrs. Bridle paths are few and far between. I feel sure that these suggestions are put forward by people who have moved down here from the cities and in my opinion it is just another way to introduce a stealth tax.
- I spoke to the secretary regarding motorbike riders last year, explaining that I ride the moor occasionally, I was told they had no objection to 'private' riders in ones, twos or threes, what they objected to were businesses being set up (trekking/riding stables) and the subsequent damage and disturbance to animals. I understand that.
- I do not mind paying to ride on the moor, however I think £20 per yr is enough as for at least half the year the moor is too wet to ride on. Furthermore wherever I have ridden that requires a permit facilities are provided e.g. all-weather gallops, xc jumps etc.. Are any facilities going to be provided so as to make the permit value for money? What money will be spent to repair the so-called erosion? As stated earlier are all-weather gallops going to be provided? As in Epping Forest, Windsor Great Park, Dartmoor, New Forest and Regents and Hyde Parks. BUT plan to not buy a permit but carry on riding
- Horse riders in my experience on the Moor are few and far between, they do not damage the ground and keep farmers informed of any injured/distressed stock
- Areas that are currently / historically freely ridden should remain so. Landowners should be properly informed of legal liabilities and supported so they are happy to allow riding. Better still they should be actively encouraged / rewarded for granting access.
- Access to the moor by horseback is a historical legacy
- I think they are an intrinsic part of the moor - the moors have been ridden across by all our ancestors and as such riders are part of the landscape. People enjoy seeing riders - look at the numbers who enjoy seeing the riders out on the Moor on Boxing Day.

3.2 Comments on the Asset or Determents of Riding on the Moor

- Local riders are eyes and ears on the moor, covering more ground than walkers and with an elevated viewpoint. Usually carrying mobile phones, they could call for help if they find an injured person or animal. Furthermore, horses don't disturb wildlife and livestock as much as walkers and dogs.
- We act as extra pairs of eyes and report on injured sheep or other stock requiring attention, illegal activities, e.g. camping, trials bikes etc.
- Horse riders are valuable as a way of keeping the moor safe for members of the public and farm stock as any problems/accidents are far more likely to be discovered by riders on the moor.
- Riders are often the eyes and ears and can spot changes or events that need to be brought to the attention of the appropriate authority. Riding is also an activity that attracts many youngsters and provides them with a worthwhile hobby that improves their personal confidence and sense of responsibility. There is a real danger that children, in particular, will be priced out of riding especially in these days of tight money. People complain enough about young people getting into trouble so why put yet another block on the opportunities for them to enjoy their countryside in a constructive and healthy manner
- People like to see horse riders on the moor - the traffic is getting terrible on the roads now - where else are we supposed to go
- Riders are aware of their surroundings and keep an eye out for problems like injured, trapped or fallen stock.
- Horse riders monitor the moors and report any change eg. fly tipping, dead mares and foals etc.
- Stock checking whilst riding, checking fences and report damage
- As long as they respect ground conditions etc I believe horse riders keep an eye on anything untoward going on or watch for any animals in distress etc
- Access for young people to beautiful open country will make youngsters concerned to preserve our heritage, and appreciate nature. Many riders observe stock who may be in need of attention e.g. sheep stuck, and will make contact with farmers. Riding centres generate income locally both for themselves and local bed and breakfast, pubs, hotels etc Income for farriers, saddlers etc
Tourists enjoy seeing horse riders, and in winter the packs of hounds who hunt the moor bring tourists therefore generating income.
- There are many users of the Bodmin Moors. Some of the most courteous are the riders and other "equine tourists".
I have been riding for over 20 years and it has always been within the Bodmin Moor area. I am (like other riders) always careful about where I go and take care to watch out for others. There have been many times that I have helped injured animals that belong to local farmers. All of whom have been grateful to me as nobody else would have been around to see them. Also, I keep an eye out for broken fences and gateways, that pose a danger to animal and humans alike.
- We monitor livestock/fencing/gates etc and often ring the local farmers to alert them to stock in trouble
- Constant liaison with local farmers over sick stock or other problems
- Over the years I have contacted the fire brigade to report gorse fires animals in difficulty and distress to farmers, and pointed many visitors in the right direction, I always close gates when left open by others, and upright many sheep who have got stuck.
- I have on numerous occasions reported back to the landowners on whose land I ride concerned about an animal or fencing that is broken. As well as South West Lakes Trust land around Colliford Lake informing them of potential problems
- The essential nature of the moor, biodiversity etc, is principally governed by the way the moor is farmed (or not). Grazing is the key. Riding has a negligible effect.
- Most riders will report any problems in the areas they ride. I have on many occasions stopped and turned sheep over who have been in distress lying in their backs, on one occasion I helped a sheep with barred wire round its legs trapped in a hedge. Riders tend not to report these incidents they just see it as part of their duty

to care for the stock in the areas they ride it is just seen as part of riding. I have seen walkers leave gates open I am not suggesting that all walkers leave gates open but if gates are open it cannot possibly be attributed to riders alone.

- In my experience the public love seeing horses and riders
- Assist farmers by checking stock, fencing etc, they keep routes clear (in places) and wish to share the beautiful natural environment with local residents and tourists
- we alert farmers to injured stock and the police to illegal motor activities also out of control dogs need to be reported to farmers
- They keep an eye on what is happening to the moor and keep access open even if there are few walkers
- Equines are part of the history of the moor
Equestrian tourists could benefit the local economy
- often riders spot problems that livestock owners would miss when they drive quickly past in a landrover. I myself helped a foal that was born on the moor and the landowner was not aware
- I know of people who bring their horses to Cornwall on riding holidays, this boosts the local economy. People enjoy seeing riders on the moor. The horses do very little if any damage to the moor. Motorbikes and quad bikes are allowed on there, and I have witnessed the amount of damage they do, which contributes significantly to erosion of the moor.

3.3 Comments on Practicalities of Scheme

- It may only be £1 a week but what is it paying for? How will permitless riders be identified and what sanctions are proposed? Are they going to pursue people through the civil courts, because that won't be cheap. I don't think I would feel inclined to 'shop' other riders who don't have a permit so who is going to spend time patrolling?
- The only way they could be remotely policeable is if you have rangers or wardens probably on horseback. Whoever is responsible for the charging for the use of the moor will also have to accept legal responsibility for the safety of riders thereon. they cannot legally get riders to sign a disclaimer. In a court of law this would be unacceptable. There is also a question of the time span involved that riders have had free access to the moor. From a legal standpoint I suspect that they cannot nforce the right to charge for access or indeed ban access. Do they intend to ban the hunts from the moor as well?
- A ludicrous idea, unnecessary, unworkable, unenforceable, which could not be policed and therefore totally impractical.
- Impossible to enforce on such a vast area, and if people refuse to pay the cost of reimbursement through the courts would not be worthwhile. The police would not be interested if they were called on a regular basis to deal with trespassers.
- How can this be policed? Is there going to be a warden in every area of the moor to check on riders and permits? £50 a year is steep but how long is th shorter period? is it one ride for £25? Who will collect the money. Can you pay on the day? How would I know I had to pay? Are we going to cover the moor in signs????!!!!
- I pay for a permit to ride on forestry commission but I know most people who ride the same area do not pay or have any intention to. I feel discriminated against for my honesty.
- would refuse to pay or cooperate
- The cost is extortionate for most riders who ride infrequently on the moor. The scheme would be almost impossible to police or enforce but it would make responsible riders feel very guilty if they didn't pay. The occasional rider from outside of the area would not pay. It is a local tax on locals who traditionally have ridden on the moor like their forefathers.
- How on earth would this be possible? I am out on the moor at 6.30am most mornings- I never see anybody therefore i find it hard to see how I could be stopped for not having a permit! I live at Temple- I have no option but to ride on the moor whichever way I go therefore how can I be expected to pay??

- I have yet to meet a rider who is prepared to pay for a permit, and everyone I have spoken to intends to continue riding on the moor. Catch us if you can.
- I don't believe this is fair especially as the hunt can go across even when the ground is saturated. It is important that horses are taken off roads and have safe riding
- How will this be policed - only way apart from being chased by Four Wheel Drive vehicles - therefore damaging moor - would be to make riders wear tabards or luminous browbands - great idea??
- impossible to implement and police and creates a feeling of defiance and flouting the rules instead of courteous co-operation which we feel at the moment.
- I ride early in the morning are they going to pay someone to be on the moor from 6am or have several people in different areas or are the police (who are overstretched) going to be expected to monitor the scheme, and are they also going to target walkers and scramblers who do more damage, they chew up the ground, leave gates open, and their dogs chase the livestock,
- Because of the sheer size of the moor I cannot see how this scheme could be enforceable/policable.
- The costs of running and enforcing the scheme would exceed any income
- This is a money making scheme. However, it is ill thought out as cost of administration is unlikely to exceed any income. It will not be of benefit to the environment of the moor, riders, walkers or anyone else.
- The money would not go back in to the moor to cover drain holes around the airfield or to make it safer for animals and horses, cows and sheep etc it would get swallowed up elsewhere
- If they are to introduce a permit scheme they need to be seen to be using that money for the benefit of the horse riders, ie signed bridleways, maps showing routes, etc as the Forestry Commission produce. I also think that the system would be unenforceable due to the vast acreage of the moor. Also what would happen with those riders who live on the moor ? Would they be expected to pay ?
- I don't think it will be enforceable how are you going to know or be able to stop ALL people without a permit it's a large open space.
- I have spoken to many riders who are so upset by this scheme that they tell me that they will just refuse to pay because they cannot afford it (most riders are on well below the national income average) and because they see it as a step towards eroding their historical access and that the charge will not stop at £50.00. Just how will the scheme operate? I cannot believe that any policing of the scheme could be effective let alone cost effective. How many monitors would be needed to catch the occasional rider over such a vast area. How much would one monitor cost? Salary, National Insurance, plus tools for the job - vehicle, phone, computer etc? I would suggest far more than the £50's of revenue. I would suggest that most riders will take the risk of being taken to court as they will know that the cost of doing so would far exceed the benefit of getting one rider to pay £50.
- No - how will it be policed? Car parking charges could possibly be introduced where horse riders/walkers park but not a general permit charge
- I really don't see why we should pay at all, - walkers don't have to and they roam around far more than riders and they keep to footpaths which erode the moor whereas the rider can find their own way.
- How can they police the moor in such a big open space. The people in the know will know how to get around the charges!
- This is yet another money making exercise!!
- How would it be enforced? Even if someone was caught on the moor (by whom?) without a permit, they could just give a false name and address, thereby making a mockery of anyone who has bothered to get a permit.
- £50 per year is far too much for the reasons I have given above. £20 would be more acceptable. However how this is going to be enforced I don't know. Would everyone be required to have a permit, or would certain people be allowed to continue their free riding !!

- Who gets the money and how is it to be spent? Who monitors that. DEFRA could keep an eye on things and we all pay enough taxes and we know that Defra is wasteful with the money it receives anyway. The land is here for all people to enjoy with respect..
- I do not believe such a scheme would be enforceable, and can not see how it would be policed
- Cannot imagine a logical and fair way of enforcing the scheme
- THIS IS PURELY another revenue gathering exercise and the state of the moor bears no relationship to this action
- Its very expensive and the majority of people who ride on the moor live near it so would easily be able to just ride onto it anyway whether they had a permit or not because there are so many ways onto the moor
- I would imagine that there would be a rush in the early days to 'catch' riders and make an example of them. However, what 'Power' legal or otherwise would 'landowners' use to force riders off. I can just imagine all sorts of accusations and claims of assault or injury caused by ridden horses to landowners or to riders whose horses have been spooked by landowners
- Apart from the administrative costs and problems in issuing permits riders on this part of the moor are few and far between and anyone attempting to catch people riding without a permit would have to be very lucky or the neighbours would have to be very spiteful.
- I don't think it would be workable there would have to be people employed full time seven days a week which would cost a fortune and they would have to have the authority to charge you with an offence
- how will this be policed, what about riding stables that use the moor, could put them out of business, and the hunt?
- I think most would not pay but continue to ride. I think enforcing it would be difficult. The forestry commission say they make next to nothing out of charging as they give us all identifying tags for the bridles, have to send out reminders so have an admin burden and also do take our needs into account in the woodland.

3.4 Comment on the Reasons put forward for the Scheme

- I am not aware of any erosion in my area. I see the occasional horsebox parked but not usually more than two at once and usually none at all. Cattle cause some poaching of the ground in wet conditions, more than ridden horses by a long way.
- If horseboxes are truly causing erosion then why not charge for parking? Yes, it would have to be manned or perhaps a barrier that can only be unlocked by permit(swipe card) this would not be cheap to set up but would at least address the so called erosion issue. I am not aware of any erosion of note but as previously stated here are often vehicles parked off road in the Allan Valley and sometimes camper vans which stay overnight during the summer months.
- Do we wish to control equine tourism? I thought the majority of people here benefitted from tourists, directly or indirectly. I am not aware of any, nor are any of my friends or people I have asked.
- *Licence to print money for landowners
 * No proof of erosion from horseriders and the free roaming livestock would in fact cause far more in comparison
 * How exactly would they repair the erosion (a few hoof prints in the ground that will disappear after rain) if they can find it
- The moor is a constantly changing landscape that is eroded continuously by the weather and the livestock it carries. It would be impossible to identify any detrimental erosion caused solely by the few horseriders (in comparison to livestock) that ride it. On the other hand it is recognised by many environmental/ agriculture bodies that in order to maintain the sparse and sensitive nature/habitat of the moor it relies on the constant application of livestock to prevent overgrowth, the fact that a small number of these livestock carry riders on their back makes no difference!
- It is not advisable to ride on the moor the day after hunting as this often leaves hugh tracks of churned up moor. I am not against hunting, but as I understand it, the hunt would be exempt from payment and the master is a commoner. This is a massive erosion problem far worse than the average rider is going to do.

Repair of the moor - I have on endless occasions repaired fences cleared fallen gorse, collected rubbish and reported failed or injured stock. I do not charge the Commoners for this service nor do I expect them to charge me for travelling across land that I have ridden for the last 22 years.

- Equine Tourism. Someone please tell me where the evidence is for this. I frequently never see another rider. The car parks around Minions are certainly not overcrowded with horse boxes! The only people who use the moor in this way are locals. Equine Tourism is a gimmick and a fantasy.
- 2. Prevention of erosion. A few horses, who often stick to well used and defined tracks, such as the old mineral railway routes, do very little damage. What about the mountain bikes, quad bikes and motor bikes - I can show plenty of examples of the real damage caused by these vehicles. What about the sheep and wild ponies which are much more numerous and not so fussy about where they go?
- 3. To my knowledge no repairs are made at present. Walls are falling down and tracks suffer very bad weathering - none of this is due to horses.
- 4. As stated above the real culprits are the different types of bikers. What is being done to control/licence them. Walls are falling down and to my knowledge no repairs are made at present.
- HA HA HA HA what about permits for quads 4x4's as these are the causes of 'erosion'
- This is plainly a revenue raising scheme
- These reasons are spurious. The costs of administering the scheme would eat severely into the income. Very few equine tourists come to Bodmin Moor. Erosion is not a problem in the vast majority of areas. Where it is it could be controlled by specific measures. More erosion is caused by farm vehicles and motor bikes (albeit not allowed), and probably walkers.
- Rubbish. Erosion?? what damage do riders do that wild horses/cows/sheep don't already? or walkers for that matter? the only erosion I believe is due to the wet conditions- i.e. where rivers run high during very wet periods. nothing from animals- whatever kind they are
- I have lived in Mount for 15 years and have seen horse boxes parked on the moors only a handful of times. How can a horse cause erosion? This is due to quad bikes!!! Why should horse riders only pay for damage caused by quad bikes
- Money grabbing again. If horse riders have to pay, everyone has to too including walkers. Impossible to police
- Horses roam freely on moors. Riders do the same and as such there is no damage to any constant pathways created. The moors have been in existence for longer than RHT !!!!!
- All riders and road users would benefit to have more not less off road riding Why are riders being victimised. All other users do not pay. I have observed many other activities on the moor. I am angry. What other places are there. Nearly all hacking has to be on the roads.
- The number of riders using the moor is insufficient to cause erosion with the exception of mass usage such as hunting. The idea that the commoners would use permit money to repair the moor is derisible. The only damage I have seen has been caused by hunting.
- I haven't seen any more horse boxes than cars parking. I don't believe erosion is a problem as the moor seems in good heart at present. I certainly don't believe the income would repair erosion. One can ride on Dartmoor and Exmoor freely and the same should apply to Bodmin Moor
- Very few horse boxes park there, and in most parts of the year it is not possible to park actually on the moor, as it is too wet. Most people therefore will park in a lay-bye or hard standing - eg Davidstow aerodrome. Erosion is not really a major problem - more likely that 4WD vehicles will be causing this by chasing around checking up on riders! How are they going to repair erosion - need a full statement of what these repairs would be and cost thereof - would they really be done??
- Apart from a few hoof prints little damage is done. It would be useful to encourage riders not to use same paths - most are very aware of trying to preserve the moor - they want it kept usable as much as the landowners!
- When all other forms of tourism are actively encouraged why should be equine visitors be excluded? erosion by walkers is a more serious threat as they use the same paths all the time - riders tend to find other tracks. If the moor needs protection from erosion then the revenue should come from all users - how about charging for car parking if riders are going to have to buy permits?

- Many tracks in the Minions area are getting eroded - main cause walkers. The hunt does cause damage in the winter as they hunt the Minions area too often - but they are to be exempt from the scheme!
- On the moors above Pensilva you see more cars and lorries (not equine) parked having lunch, taking breaks are these to be stopped, i seldom see horse lorries parked up at minions, horse riders do very little damage to the ground overstocking of livestock farmers feeding their animals on the moor using 4x4 vehicles and trailers, quad bikes do more damage, they leave deep tracks often 3 or 4 sets side by side, large areas get trampled to mud where they feed. i can ride for weeks without seeing other riders, how much money do they think they will make?
- I have seen dead animals left to decay, farmers using 4x4s and quad bikes cause wide tracks over grazing by to much livestock there are some who have more animals than they are allowed, there use to be one group of wild horses, this year there are six groups of wild horses I have seen in one day. on Minions moor. walkers with dogs, leave rubbish, dog faeces, glass bottles, on the moor, motor bikers ride on the moors and do circuits this cause the ground to become muddy, or dry and dusty depending on the time of year. stops the grass from growing, which allows the wind to remove the soil as dust.
- Regarding the horse box problem, I can only assume that these boxes are causing an obstruction in some way for it to need controlling and I would have thought an initiative to educate/deter these people with those wishing to introduce this permit working alongside the police with the offending vehicles being either booked or warned for obstruction! With regard to erosion I cannot see how a few riders can make that much impact when herds of cattle, sheep and horses roam these areas freely to the benefit of those wanting to introduce this scheme. With regard to the income side for the benefit of the moor I can see that this would be good to have money available for this, but why should the horse riders pay for it and not the landowners, they are getting the benefit of the grazing or even the walkers! Perhaps a few of the illegal campers that I regularly come across could pay also. I do feel that these landowners need to take a close look at their own circumstances, some of the fencing I come across including barbed wire in the middle of a piece of moor is quite frightening at times and have got my horse tangled up in it on more than one occasion, I wonder how they would feel if I was to send them my vets bill! If this scheme was introduced and I had to pay to ride in certain areas, then I would expect them to be safe.
- I can't say I am aware of any damage/erosion on the moor I ride, areas do get poached at particular times of year from the livestock on the moor, but recover again in dry spells. As mentioned previously I do come across damaged fencing caused by neglect of the landowner and also litter.
- The only erosion/damage I have seen has come from motorbikes and quad bikes
- Over-grazing and inappropriate supplementary feeding of cattle in the winter has done more damage than all the walkers, cyclists and horseriders could ever do, even if they used the moor every day.
- I have rarely seen another horsebox when visiting the moor. Plenty of cars, however. In terms of numbers, we are heavily out-numbered by walkers and cyclists, who contribute to erosion more than riders. Why should we foot the bill for their damage?
- This is a money making scheme. It will not be of benefit to the environment of the moor. It will not control the numbers of horse boxes parking - nor is there an issue anyway. Money will only line the pockets of the implementing party. However, it is very likely that cost of administration often appears exceed any income.
- What about the cars, bikes, planes that are used that do not put anything back and make it dangerous for lambing sheep and pregnant mares on the moor
- It is hardly worth mentioning and the riders often rescue sheep that are trapped and communicate with the farmers, I am a commoner and already have moorland access. Believe me it is not the horse riders that are a problem
- There is no set aside ground for horse box parking and I have had friends who have had messages left on their horse boxes saying that their parking is illegal and if they park there again then they will be clamped and towed away. Why do they feel the need to control equine tourism ? As a resident of Cornwall I do not class me or myself as tourists yet this scheme would apply to me - why ? If they require income from the moor for erosion why are they picking on the horse riders ? They should be treating all the moor users, walkers, cyclists, etc; the same, everyone creates some erosion and therefore should be responsible for supporting it's remediation. Horse riders are often seen as a soft target and ones that have money and therefore able to pay, that I feel is why we are being discriminated against.
- Control of Equine Tourism - What data is there available to prove an increase in equine tourism? Just what has been the increase in say the last 5 years? If there is an issue about horse boxes parking then provide

areas (this need not be expensive - I would argue a lot more cost effective than a permit as per comments above) to park horse boxes which can be funded by making charges to park, this would affect all users of the moor and be much fairer eventually this revenue could go towards benefiting the moor. I am not aware of how many riding establishments run horses over the moor but I do feel there could be a case for making a charge for businesses who are using the moor for profit. Presumably they are able to charge a premium for access to such beauty so a contribution towards upkeep would not be unreasonable. Farmers could benefit from having a contact number at each entrance/car parks to the moor where people could report any animals in distress, riders carry mobile phones and would be happy to help this could also help to improve relationships between all users of the moor. Apart from helping a particular animal it may help the farmer to reduce losses. How much is are sheep/cattle sold for at market? Say 10 a year are saved would the farmer not think it worthwhile?

- I have seen many vehicle tracks on the Bodmin Moor particularly in the boggy areas, they appear to be quadbikes, motorbike and at times motor vehicles. These are often deep and cut into the ground over several feet. There are patches of animal hooves around river crossing areas this must be due to the many animals that live on the moor sheep, cattle and horses. No rider would go anywhere near the boggy areas as they would be far too concerned about any accident from being stuck in the middle of nowhere.
- I do not feel there is a problem that warrants any justification for the scheme being implemented. I cannot see any benefits whatsoever to be made from charging to ride on the moor, just unnecessary profiteering
- The moor has been eroded by farmers landrovers and tractors far more than horses. I have seen no evidence of erosion by horse riding on the parts of the moor I ride across - NB I never ride when the ground is wet and muddy, it is far too dangerous
- Why do they need to control equine tourism, surely this should be encouraged, erosion from walkers, bikes and weather surely have a much bigger impact.
- none- except the most commonly used FOOT paths ie from Rough Tor car park up the incline to base of the tor, but that is not from horses.
- Are there really that many horseboxes being parked while people ride on the moor for it to be an issue? Income would be a good idea as long as the money gained from horse riders is used to improve conditions for horse riders (horse rider friendly gates?) rather than just 'lost' into a bigger pot
- What are the realistic statistics? There is not an influx of people boxing up to the moor, it is generally used by local residents or friends of local residents, or permission is granted for organised events to take place.
- You would have to tax everyone ie walkers too. There are far more walkers on average than riders.
- I don't ride that often and have seen no erosion. When I walk there I see a lot of footpaths. People need open spaces and it keeps the tracks open and alive. People should be encouraged not discouraged to take exercise. The young need to be encouraged to get out and not sit on a computer all day!!
- People who know the moor will know when not to ride on the moor and will know where to park. Maybe there should be proper parking places for horsey and NON- HORSEY traffic.
- There are more problems on the moor with people based tourism parking up and leaving their rubbish lying around than there is with horse riders going along, enjoying the countryside and doing what we have done for many, many years.
- The only damage and erosion I am aware of is caused by driving vehicles on the moor and certainly not by horse riders!
- Just a money making exercise. It is getting extremely difficult to exercise horses anywhere safely due to high levels of traffic etc so to have the opportunity to ride safely in such a beautiful area is great.
- All horse riders/owners are respectful of the land. In all the time I have ridden the moor I have never seen more than 2 trailers at a time parked on the moor
- Land rover tracks and animals collecting in gateways
- The moor is such a large area with multiple points of access that a few horseboxes dotted around shouldn't cause a problem. As this is an open space the traffic would not be concentrated onto one track but spread out causing minimal damage, no more than the ponies, sheep and cattle on the currently make.

I don't see why an income should be gained from horse riders and not cyclists and walkers, if there is a charge it should be for all users.

- tyres do far more damage to the moor than horses hooves
- I ride regularly on these moors (weather permitting) - I live close by and hack there. I have never seen a horsebox parked anywhere, and I very, very rarely (about twice a year) come across anyone else riding at the same time, which would suggest that the numbers are fairly low. In any event, the moor is so often 'unrideable' because the ground is waterlogged, that it is not possible to ride there all year round. How can anyone possibly ascribe erosion to people riding on the moor where there is so much livestock kept there? In my opinion the real damage is done by 4x4's and motorbikes - there are tyre tracks all over the place. I wouldn't mind contributing to erosion repairs, but feel it would be very unfair if riders were the only moor users targeted. It should be a comprehensive scheme to include owners of livestock, 4x4 drivers and motorbike riders. Also, based on personal experience, there wouldn't seem to be so many riders that controlling the numbers would be necessary.
- Overstocking with ponies/sheep/cattle and driving over the moor cause far more damage than people riding on the few occasions when it's not raining. Despite living so close, I didn't ride on the moor at all over the winter/spring because of the appalling ground conditions, whereas livestock is kept there all year round. I think riders are an easy target.
- Do we make anymore damage than walkers/dog? There are few trailers/boxes parked on the moors whenever I pass, but always numerous cars dotted around the moors, sometimes quite a way in.
- Very few people come to our area by box or trailer. Our horses probably do less damage to the moors as we don't keep using the same routes as roaming stock and walkers do
- What money will be spent to repair the so-called erosion? Are all-weather gallops going to be provided? As in Epping Forest, Windsor Great Park, Dartmoor, New Forest and Regents and Hyde Parks.
- Why should a horse box be charged? There is no check on how many cars anyone owns. People park their cars to walk the dog etc. Its unworkable and unfair.
- I have never seen horse boxes parked to go onto the moor, erosion would occur anyway from other livestock and the weather.
- There is far more erosion caused on the moor by motorbikes and off-roaders (sometimes the farmers themselves) than the occasional horse. the moor is not inundated with horseriders and horseboxes. On our side of the moor boxes are usually parked on 'parking places' though occasionally at the air strip they park on the verge. There is far more evidence of motorbikes than horseshoes. For those of us who live on the moor or on the edge of it, it is a natural place to want to ride and that is why we choose to live there
- Motorbikes and quad bikes and four by fours. Tyre marks, skid marks, deep indentations often water filled where they have been doing sharp turns. Farmers are also responsible for this when checking animals or taking short cuts. Rabbit shoots at night in 4 x 4's are commonplace.
- I think that if riders have to pay a charge then so should commoners for taking vehicles onto the moor which cause a lot more damage. Also walkers can spread litter and worry livestock so why not a charge for them also? It is very unfair to just expect riders to pay. How will the hunt operate within this system, will permits be checked for all riders? Vehicles on the moor are the largest problem and often vehicles are taken up there unnecessarily for pleasure (quad bikes and trials bikes in particular) by commoners. If permits are required then riders should be able to expect something for their money, they should expect the gorse to be cleared and regular maintenance of gates and pathways!!
- Surely if these are the reasons then walkers and cyclist should also pay for the upkeep of the moor, in some respects riders are more considerate about the moor
- Discrimination against the rider
- There is no erosion caused by horses only by vehicles. The quantity of riders is so small on Bodmin moor that it has very little effect. I have not ever seen many horseboxes parked on the moor and travel across it frequently, if a levy is charged on horseboxes then it should also be placed on cars with walkers.
- The amount of people that ride in my area on the moor is so few that the damage is minimal. I would say the damage caused by the quad bikes of the local hunt and commoners is a lot more significant as after they

have been the ground is terrible. I could understand why the hunt and commoners should perhaps be charged.

- There is no erosion caused by horses only by vehicles. The quantity of riders is so small on Bodmin moor that it has very little effect. I have not ever seen many horseboxes parked on the moor and travel across it frequently, if a levy is charged on horseboxes then it should also be placed on cars with walkers.
- a) There are not many horse boxes that go into the car parks and there are any they are not very many all at once.
- b) We don't make any erosion/little erosion-which doesn't need repairing.
- c) Why should we pay for something that we did not cause any problems to.

3.4 Comments on Permit Schemes in General

- I would fight any pay as you ride scheme that takes away previously free access
- It seems to be that if you have a horse you are penalised to ride anywhere but walkers and cyclists can go for free and go anywhere. It not as though we have bridlepaths to go on in North Cornwall
- Why are horse riders being discriminated against?
- Forestry Commission - but could not access locations in my area due to the locks being different to the key obtained, when questioning about the reason was told it was because of the farmers putting sheep onto forestry commission land in one place and other landowners in another, complaining about bikers, pedal and motorised these were my 'local' areas I was told to go to Halvana, several miles away on the other side of the moor, I would have needed to box there. Waste of money. Did not renew, would rather turn up and take my chance on being caught, they don't do anything anyway.
- I bought an annual permit for my local forestry 20 years ago.(not Forestry Commission) I have never renewed this, but I do ride regularly in there, as do others.
- I occasionally ride in ##### Woods which is Forestry Commission land. There is no indication on entry to the woods where to apply for the permit, so as yet I haven't bought one
- Experience of Forestry Commission permits - but rode there so rarely I didn't get a permit
- I have paid for forestry permits but am unlikely to do so as the number of times I use it is not worth the cost. I would pay for a scheme that allowed controlled access to private land and public land if that access were geared towards horse. I would also favour charging all groups as I can not see why horses should be singled out. Motorbikes do significantly more damage to land and animals than horses ever could
- I pay for a permit to ride on forestry commission but I know most people who ride the same area do not pay or have any intention to. I feel discriminated against for my honesty.
- Horse ownership is expensive enough and most owners are not rich, despite common perception! This is the thin end of the wedge and others will definitely follow. Fair enough perhaps if new areas are being opened up (ie someone is genuinely trying to make a small living out of new developing facilities). Charging for the benefit of using our countryside is taking unfair advantage
- I would welcome toll rides in my area of North Cornwall - we have utterly terrible riding and if it were banned on the moor there would be absolutely no point in owning a horse. I would definitely leave the area-probably the county. Cornwall has some of the worst riding in the country. Greater London and Milton Keynes offers a better alternative to riders amazingly. Thetford Forest which spans 86,000 acres in Suffolk and Norfolk. Once only ridden by permit. Now free access except for competitive use where a charge is made of around £150 per event. Wonderful riding trails which were better maintained when access was by permit. I can't imagine how Bodmin moor would improve with a permit scheme.
- I have no intention of paying to ride in areas that I can currently ride for free - I shall continue as now.
- I would be disgusted. Cornwall already suffers from virtually no bridleways (especially in North Cornwall) and it is totally unfair to keep grabbing money from the horse rider. Remember that a lot of rural industry relies on horse ownership i.e. farriers, vets, saddlers etc

- If the government are truly committed to Sport for All and encouraging activity, improving diet and exercise for everyone, then pricing out riding will be a very damaging act for the Nation's Health
As a Pony Club Instructor I would invite any government officer to meet the kids in our club - fit, healthy, SLIM and spending time outside, away from computers and the like.
We need to ENCOURAGE outdoor pursuits not discourage.
- Another nail in the coffin of rural life as we know it - if we pay then everyone should pay including cyclists and walkers. All efforts should be made to get horses off the roads - where no-one wants us to be-least of all the riders - and to encourage the free use and enjoyment of our countryside
- It would stop me going - we occasionally box up to go for a ride in other locations for a change, fuel/vehicle costs are enough without having to pay for the ride as well. Rides away from traffic are at a premium and to have to pay for those which are currently free would surely go against stated Govt policy for the countryside to be enjoyed by all.
- I wouldn't visit them and I would ride more on the public highway putting myself and my horse at greater risk as many drivers already stop and shout out the window get off the road you have the moors up there
- Farm in Herefordshire operates a "Happy Hackers" scheme, £10 per week, pay only for the weeks you go to use it and go as many times in week as you want. All field headlands usable, horse friendly gates where necessary, a few jumps/streams/ditches, 2 very quiet lanes to cross to access all land. (This is special provision).
- This would be gross discrimination against horse riders. Sadly, even in this day and age, I believe that there is an antipathy towards us, particularly by urban politicians, based on totally out-dated notions of class and privilege. We should be treated the same as walkers and cyclists.
Horseriding can be undertaken by people of all ages, abilities and disabilities, and, as such, should be positively encouraged as a way of extending access to the countryside.
- It is another tax on something that was previously free. What an utter waste of time for everyone concerned. We are in a recession, we should be offered more opportunities to ride in free places. Roads are dangerous for horses and riders.
- Permit Schemes are a waste of time.
- Horse riding is expensive enough and the kids will be affected more than adults as usual
- I would be totally against being charged for riding in areas that are currently ridden free. The days of the horse rider being an occupation of the rich only are long gone and most of us do not have the spare money to pay any more for our hobby. We are not a soft target and the provision of free, safe, off-road riding for all should be a priority target and not just a flight of fancy in these days where we are trying to encourage people to get out and experience the great outdoors
- I understand that there are problems in charging & enforcing permits - it is difficult to trace the rider, most riders are occasional so persistent offences are difficult to prove, the cost of monitoring the scheme is way in excess of the revenue, the increase in liability on the landowner when charging for access increases substantially which increases insurance premiums if indeed it can be obtained. Where as where access is not charged for liability is relatively low and the onus is on the user.
- I would resist this strongly as I feel that it would set a precedent for generations to come and for the reasons stated above feel any charging scheme will prove to be far too costly, not policeable and where there is no relation to the charge and the benefit to the rider I cannot see why any rider would pay. Why should I pay for something that is free to other users it is discrimination!
- If its a public place no one should have to pay but if they are going to start this then they have to charge everyone dog walkers old ladies having a flask of tea etc etc !!
- The clamping down of the countryside is completely against the governments get fit campaign. It will have an effect on horse riders personal/human rights. It seems that local farmers want to penalise riders for wanting to enjoy their natural surrounding and force them onto busy roads where RTA's occur on a regular basis. The majority of horse riders (like cyclists and walkers) as sensible law abiding citizens who respect the countryside code and these % of the population should not be exploited or penalised for wanting to use their Cornish 'back yard' which offers so much to local residents and tourists.

- I can't believe we can't ride anywhere without all this hassle . I think it is ridiculous. We'll all be taxed for everything soon. Do you want us all riding on busy tourist filled roads all the time - where do you think we can ride. In Cornwall there are no bridleways around me so it is all roadwork and the farmers aren't going to welcome us on there land either. Don't you people like to see proper country activities. What is the world coming to?
- This is discriminatory an another money making exercise.
- As I am a horse owner I do not have a great deal of spare money to spend on what would be a luxury, so if this scheme did spread then I would have no option but to restrict my riding to the roads (the only other option would be to trespass on these places without a permit and hope for the best)
- Yet again, riders would seem to be an easy target. Perhaps we do not have such a strong lobby as cyclists and 'ramblers'. I think introducing charges would be the 'thin end of the wedge' and should be resisted. As it is riding in the countryside is something of a challenge as we have a disjointed, badly publicised system of bridleways and the Forestry Commission allows only restricted access to a lot of its land. If charges are introduced it could have safety implications with more riders turning to the roads in order to keep costs down.
- Obviously other places would jump on the charging bandwagon and I would be far from happy.
- Grossly unfair. Discrimination against horse riders. Many riders are not toffee nosed twits but hard working people who enjoy riding for their leisure. By buying tack, food, clothing etc. they contribute to quite an industry so they oil the wheels of the economy. How much more would they cost society if they drank heavily and caused a nuisance on the streets!!
- Cardinham woods. Used to pay but so rarely went there I chose to go and not pay.
- I strongly object to paying for riding out and believe that as a responsible adult/horse owner we are charged enough in this country and our horses are our pleasure time, we pay enough to keep them
- Horses have ALWAYS had a right of passage. this is just another excuse for taxation & should be resisted by us at every level. They would never get away with this in France as riders would blockade the country. Will they stop the walkers? --NO--they are poor and don't have any money!!!! You lot on horses are rolling in money. Give it to me.
- I think it is a very bad idea and for the most part unenforceable. it is expensive, pointless and a waste of the landowners time to be considering these plans
- I would stick to riding the lanes. It's another tax. Cyclists make a lot of mess and cause erosion, if one group has to pay, all should pay. All or nothing
- It's just not fair, why is it always horse riders who are "picked on", surely push bikes and walkers can cause as much so called erosion. I can't understand why this area is always so anti-horse for such a rural area. We have to fight, fight, fight all the time whereas walkers and cyclists get whatever they want. We have enough trouble with the bridleways we do have and they are meant to BE for horses. Perhaps we should charge walkers and cyclists to use them! I would not pay to ride on Bodmin Moor whilst other users get it free, it's completely unjust and if I did choose to ride there, I would not get a permit as I don't believe I should have to.
- If I had to pay I would either ride there without paying, or if there was a high risk of being caught, not bother riding there at all. I have a horse, my daughter has a horse - both financed by me, and I just could not afford to pay anymore than I do.
- As above - if new facilities were provided specifically for riders I would not object in principal to paying but I would object to being charged for somewhere that has always been freely ridden and has no facilities such as bridlepaths, parking etc and where other people are allowed to go freely regardless of the damage they inflict. Cyclists and offroad drivers wreck pathways (besides frightening the horses).
- I encourage the younger members of my family to learn respect for all things and taking them riding in these areas teaches them respect, responsibility i would not be able to afford for them to ride in these areas we would have to stay on the roads where we are shown little or no respect from most drivers which certainly does not teach anything but impatience and aggression
- If riders have to start paying to ride off road then We will be forced to ride on the roads which are becoming increasingly busier and dangerous, especially during the summer months with tourists using these roads. Which then could put everyone at risk and increase the accident rate on the roads.

- This is a dangerous precedent if you own a horse you are assumed to have bottomless pockets! The only damage done by horse riders is through shod hoofs which I don't see is any more damage than through tyres of mountain bikes and the moor soon regenerates where it needs to. I feel that there is sufficient moor for everyone to ensure that there will not be excessive damage to single parts of the moor.
- Riding the moorland is part of country life. Is all other livestock going to be removed for fear of damage?
- Riding on the moor has no detrimental effect that I can think of, unlike the many illegal 4x4 and motorbikes that I regularly see

Appendix 4 Overview of Access and Liability Legalities

1. Legal Aspects of Access

1.1 Access on Definitive Bridleways and Footpaths

This is where there is a legally recorded right of access along a specific path or track for either riders and walkers or just walkers (cyclists also do have right to use bridleways)

1.2 Unrecorded Rights

On any path or track there can be user rights that are unrecorded. To get them recorded evidence has to be put forward. On a definitive footpath there can exist higher rights albeit unrecorded for horseriders to use the way.

1.3 CROW Open Access Rights

The CROW Act gives additional Rights to Walkers ONLY, unless extended to riders by explicit dedication by a land owner. It does not affect in any way, prohibit or take away, any other higher rights recorded or unrecorded.

1.4 De Facto Access

This type of access is not legally defined as such, but it is well defined on the Ramblers' Website where it is described as follows:

"In some places the landowner may well have tolerated access leading walkers (and riders) to assume they have a right to walk (or ride), because they have always done so. In fact in many such cases the landowner could turn them off at any time. A good example is many of Britain's Beaches."

1.5 Permissive Access

Permissive Access is where landowners have given specific permission for individuals, groups or the general public, to access specific land or paths.

The persons or public using the access must be clearly made aware that they are using it on a permissive basis. This can be done by notice or by a statutory declaration to the county council.

NOTES:

- a. De Facto Access is very distinct from Permissive Access. Where the De Facto Access has occurred over a long length of time, if it is along a defined path and route, it could be that an unrecorded right of way exists (created either under common law or under the Wildlife and Countryside Act 1980).
- b. For open land a right "to wander" cannot be claimed by history of use, only the use of defined paths and routes.
- c. Before the CROW Act both walkers and riders enjoyed De Facto Access in many places on Bodmin Moor. The CROW Act subsequently gave walkers this access by right. However it does not in any way interfere with any continued De Facto Access or any Access by right or unrecorded right on the affected land.
- d. The recent NERC Act has taken away ALL unrecorded rights for motor vehicle access.

2. Landowner Liabilities

There are three different levels of liability depending on whether the access is CROW, De Facto/Trespass, or Permissive. These levels are defined out by three different Acts.

2.1 The Occupiers' Liability Act 1957 sets out the duty of care you owe to your visitors – ie. people you invite or permit to use your land.

- You must take reasonable care that these visitors will be reasonably safe doing whatever it is you have invited or permitted them to do on your land

2.2 The Occupiers' Liability Act 1984 sets out the duty of care you owe to people you have not invited or permitted to be on your land, such as trespassers.

Normally, you still owe such people some duty of care if:

- you know there is a danger, and know that people may be in (or come into) the vicinity of the danger – or in either case you have reasonable grounds for believing this to be so; and
- the risk is one against which you may reasonably be expected to offer some protection.

2.3 The CROW Act 2000 specifically sets a reduced level of liability whenever CROW access rights are in force on your land:

- The higher duty of care under the Occupiers' Liability Act 1957 does not apply at all towards people exercising the CROW access rights – though it does still apply as explained above to those you invite or expressly permit to be on the land.
- Even the lower duty of care to non-visitors, under the Occupiers' Liability Act 1984, is further reduced unless you set out to create a risk, or are reckless about whether a risk is created.

You owe no duty and cannot be sued for any damage or injury caused by:

- any natural feature of the landscape (including any tree, shrub, plant, river, stream, ditch or pond, whether natural or not); or
- people passing over, under or through any wall, fence or gate, except by proper use of the gate or a stile.

NOTES:

- a. The above Acts clearly define that if you invite, specifically permit or licence an activity you immediately have a much greater duty of care to those on your land.
- b. The CROW significantly decreases liability for any access which is covered by the Act (either by default or by specific dedication).
- c. Importantly, the CROW Act neither increases or decreases the landowner's liability for activities not specifically covered by the Act.

Appendix 5 British Horse Society Cornwall - Riding by Permits

SURVEY/QUESTIONNAIRE

AS A HORSE RIDER WE NEED YOUR HELP – PLEASE RESPOND URGENTLY

YOU MAY BE AWARE THAT THE Association of Bodmin Moor Commons Landowners is proposing that riding anywhere on the moor will be by permit only. The Forestry Commission have had riding only by permit for some time (cyclists and walkers free), and they are currently consulting on future access arrangements.

Completing this questionnaire will help us greatly in preserving your riding

PLEASE ALSO WRITE OVERLEAF OR ON SEPARATE SHEET IF NECESSARY

Also you may complete online www.bhsaccesscornwall.org.uk/PermitQuest.htm (case sensitive)

1. DO YOU RIDE ON BODMIN MOOR? Yes/No

a. How Often? *4 or more times a week / 2 or 3 times a week/ Once a week / Once or twice a month / Once or twice a year*
(whichever best describes your riding)

b. Do you Ride or Box to the moor? *Ride / Box / Both*

c. Which Area(s) of the moor do you ride?

d. Since CROW ACT 2000 (Right to Roam) Walkers have free access to all of the moor by right.
Are there any reasons you can think of why riders should not continue to be able to enjoy the same free access for parts of the moor that have always been freely ridden? *Yes / No*

Please specify or give comment:

e. Do you think riders are an asset or detrimental to the moor? *Detriment/Asset/Neither/Don't Know*

Reasons:

f. Permits costing £50 per year have been suggested with a lesser charge option for shorter periods or on a per visit basis. (£25 for shorter periods has been suggested)

Do you think such a scheme would be workable, enforceable, or policable? *Yes / No / Don't Know*

Comments:

g. Reasons put forward for the scheme are:

- Control of Equine Tourism (number of horse boxes parking)
- Prevention of Erosion
- Income for the benefit of the moor (eg repair erosion)

Your comment on these issues would be welcome:

h. What damage/erosion are you aware of on the moor and what is its likely cause?

Details:

i. If the scheme were introduced and taking into account all the above factors, What would you most likely do?

Don't Know / Stop Riding the Moor / Buy a permit (but reluctantly) / Buy a Permit / Do not buy a permit but carry on riding

2. RIDING BY PERMIT (other than Bodmin Moor)

- The Forestry Commission currently charges for riding on their land, walkers and cyclists go free.
- The National Trust seem to generally allow permissive access where appropriate on a free basis although in the past they have charged for permits in some locations.
- There are one or two locations in Cornwall where special permits are issued by landowners, and charged for, for particular routes.

The British Horse Society believes that riding should generally be free and available to all, as for walkers and cyclists.

Permit Rides or 'Toll Rides' may be appropriate in some circumstances but only where it is not possible to provide new free access for all riders and where there is no right of way, recorded or unrecorded.

- The problem of all such permit schemes is that it goes against casual access, or access only a few times a year.
- The cost of administration often appears to exceed any income.
- If real new facilities are being provided then recouping expenditure by such means could be viable.
- The question always to ask is why such a scheme is necessary?

a. Do you currently pay for any riding out in the countryside? (other than specific facilities, or events. eg XC courses) *Yes/No*

Details:

b. Have you had any experience of permit schemes elsewhere? *Yes/No*

Details:

c. If the Permit Scheme does go ahead it could have future implications for other places. What would your views be of, in the future, having to separately pay in other locations that are currently freely ridden?

You may complete this survey anonymously. Your details if given will help us to help you and will not be passed on to any 3rd party.

Name: (optional)

Address or Telephone:

Email: (this will help us keep you informed)

Appendix 6 - A Sample Rider Response

The response below is an auto generated email received from the web questionnaire. It was received too late to be included in the statistics but it is an excellent example of the input received from riders. It covers many of the commonly held views of the riders. Name supplied but deleted here.

----- Original Message -----

From: #####

To: <reports@bhsaccesscornwall.org.uk>

Sent: Monday, September 14, 2009 9:59 PM

Subject: Permits Survey

> Email Address: #####

> Name: #####

> Telephone:

>

> Ride Bodmin Moor: Yes

> How Often? Four or more times a week

> Ride or Box?: Ride

> Which areas ridden: Ladydown towards Roughtor and Brown Willy taking in Alex Tor, Camperdown, King Arthurs - also towards the A30.

> Any Reasons for stopping free access? No

> Detail: There is absolutely no reason at all why riders should not continue to exercise their right to ride freely on the moor as have riders for the last hundred years at least.

> Asset or Liability: Asset

> Details: We always treat the moor with respect and have on several occasions over the years reported livestock in trouble to owners - also we keep an eye on people possibly causing problems on the moor eg deep tyre tracks, bonfires, litter left around the moor to the detriment of animals. We also report suspicious sitings of vehicles to our local neighbourhood watch contacts.

> Enforceable: No

> Comment: This suggested charge is outrageous - riders have been on the moor for centuries free to go wherever (within reason). Surely this is just a ploy to raise funds for the commoners and owners of the moor?

> Tourism etc: I very rarely see a horse box parked on the moor and never in a place to cause damage. It is only very occasionally I see another horse rider.

> I feel that scrambler bikes cause very much more damage to the surface of the moor than do horses - where is the control over riding this type of motor bike? The noise is horrendous not to mention the damage cause by tyres slipping and sliding. I would be most interested to know what type of erosion is causing concern and to see examples. Horse riders certainly do not cause damage but the number of horses/ponies grazing the moor has increased hugely over the last year ----- not to mention the large numbers of cattle and sheep.

> Any Damage: see above - There is considerable increase in bracken and gorse plus long grass in some areas of the moor. The very heavy rainfall last year and the very wet summer this year has left the moor with many boggy, wet areas. However given a dry week or two this condition soon improves.

> What will you do? Do not buy a permit but carry on riding

>

> Pay anywhere else: No

> Details:

> Other permit schemes: No

> Details:

> Other Views: If we are forced into payment for any area I would insist on knowing just where the money raised is going and what is done with it. Payment for other areas would certainly discourage me from using these 'other areas'. How could areas requiring payment be policed anyway?

> - finish