



Clearing Hurdles:

CLA POLICY ON CREATING A MODERN AND
THRIVING EQUINE BUSINESS SECTOR



Country Land &
Business Association

CONTACTS

For more information on *Clearing Hurdles: CLA policy on creating a modern and thriving equine business sector*, published in January 2012, contact:

Dr Charles Trotman
Head of Rural Business Development
Country Land and Business Association
16 Belgrave Square
London SW1X 8PQ

Tel: 020 7460 7939
Fax: 020 7235 4696
Email: charles.trotman@cla.org.uk
www.cla.org.uk

© Country Land and Business Association Limited 2012
Registered in England and Wales No: 6131587 at the above address.

All rights reserved. No part of this publication may be reproduced or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, or stored in any retrieval system of any nature without prior written permission of the copyright holder except as expressly permitted by law.

FOREWORD

Land use and horses have enjoyed a happy inter-dependency since ancient times. For centuries, arable farming was hugely reliant on the strength and loyalty of the working horses that pulled ploughs, carted hay and manure, and transported feed to livestock and produce to market, among many other tasks.

Of course since the mechanisation of farming in the past century, the working horse on farms is a far rarer sight. Nevertheless, horses are as abundant as ever in England and Wales and still play a major role in the rural economy. Riding schools, liveries, hacking holidays and the racing industry are just a few of the many equine activities in the countryside run or supported by a vast array of equine businesses.

Land owners and managers have always been engaged in equine business and the CLA has through its lobbying and advisory work supported them. However, this is the first time we have brought together all that we do for equine business, and the way that we do it, in one policy document.

Many worthy organisations operate in the equine industry. As the principal organisation for rural land, property and business owners in England and Wales, the CLA is well placed to argue for the value of the equine industry to the rural economy and to give equine businesses expert advice on land use, planning, taxation, business rates, rights of way, health and safety and the full gamut of other business issues.

This document demonstrates our ongoing commitment to helping equine businesses survive and thrive and further CLA publications in support of this aim are under consideration.

Finally, I would like to thank those in the equine sector and the CLA members and staff who have made this publication possible.



A handwritten signature in blue ink that reads "Harry Cotterell". The signature is written in a cursive, flowing style.

Harry Cotterell
President, CLA



Clearing Hurdles:

CLA policy on creating a modern and thriving equine business sector

CONTENTS

Page

List of Abbreviations	4
Executive Summary	5
1. Introduction	7
2. Enabling Equine Business	8
2.1 Planning	8
2.2 Diversification	9
2.3 Land tenure	9
2.4 Rural broadband	9
2.5 Liabilities in respect of horses	9
2.6 Health and safety	10
2.7 Business rates	10
2.8 Taxation	11
3. Caring for the Countryside	12
3.1 Pasture management	12
3.2 Common ragwort	12
3.3 Welfare	13
3.4 Water	13
3.5 Waste disposal	13
3.6 Climate change	14
3.7 Single Payment Scheme and Environmental Stewardship	15
4. Enjoying the Countryside	16
4.1 Modernising public rights of way	16
4.2 Tourism	17
4.3 Hunting with dogs	17
5. How the CLA will deliver its Policy	18
6. Summary of Recommendations	19

LIST OF ABBREVIATIONS

AONB	Areas of Outstanding Natural Beauty
BETA	British Equestrian Trade Association
BHIC	British Horse Industry Confederation
CALM	Carbon Accounting for Land Managers
CAP	Common Agricultural Policy
ELO	European Landowners' Organization
FTE	Full-time equivalent
Mbps	Megabits per second
TRIG	Tenancy Reform Industry Group

EXECUTIVE SUMMARY

The equine sector generates around £4 billion a year for the rural economy, one of the largest contributions. However, the sector is also one of the most fragmented. So, it is important to stress that co-operation with other organisations will be vital to implement the policies in this publication.

This paper sets out CLA policy on the equine business sector. It covers the need to enable equine businesses to thrive, the impact of the equine sector in caring for the countryside, and the role equine businesses play in enabling the public to enjoy the countryside.

To help equine business thrive, the CLA is urging the Government to reform the planning system so it is cheaper, simpler and faster. All too often, equine businesses are unable to develop because of restrictions put in place by the planning system. The CLA provides a “one-stop-shop”, giving advisory and political support to the equine sector.

The CLA believes the Government should consider deregulation for smaller business tenancies while respecting the rights of those who own property. Moreover, best practice should be based on guidance rather than a prescriptive regulatory approach. In addition, equine businesses must be able to benefit from the significant communication and marketing advantages that superfast broadband provides. That is why the CLA is calling for a minimum of five megabits per second (Mbps) symmetric broadband speed for all in rural areas.

Insurance and the issue of insurance premiums remain difficult. The CLA is calling on the Government to make good its promise to amend the Animals Act. Costs for equine businesses have also increased as a result of the business rates system. This needs to be made simpler and the recent abolition of the partial exemption on empty commercial property must be reversed.

Equine businesses have a responsibility to ensure proper pasture management and to encourage biodiversity. The CLA believes a flexible approach has to be taken to stocking densities, reflecting the type

of land and the activities for which the horses are used. The CLA also believes all equine businesses must ensure full compliance with Defra’s *Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids*.

Equine business must similarly comply with the statutory regulations regarding water. The same is true for waste disposal, and equine businesses must be aware that Nitrate Vulnerable Zone (NVZ) rules apply to horses that are kept on farms, or where a livery yard or stud farm is being operated.

As a direct result of CLA lobbying, many equine businesses are eligible to claim the Single Farm Payment. In light of the proposed reform of the Common Agricultural Policy (CAP) due to be implemented in 2014, the CLA is lobbying for certain equine activities to continue on land receiving payment under the CAP schemes.

The CLA does not believe the public rights of way network is suited to use in present times because it neither takes into account landowners’ needs nor the recreational hopes of the rider. We need a modern, flexible network that simplifies the present cumbersome process of modifying routes and which also must reflect contemporary land management and recreational needs.

Equine tourism is not simply about riding. It incorporates myriad potential activities ranging from trekking to hacking, eventing to horse racing. For the equine business operator, the often-shifting regulations and tax rules and the complexities of the planning system mean many equine businesses fail to realise their full tourism potential. This must be put right.

This publication sets out the policy changes that the CLA believes will remove many of the hurdles currently facing equine businesses. The importance of making these policy changes cannot be underestimated. Without the right policy and advisory framework for the equine sector, the industry will remain fragmented and its economic potential will stay underexploited.

1. INTRODUCTION

Research undertaken in 2010 by the British Horse Industry Confederation (BHIC) suggests that the gross output of the equine industry is the second largest contributor to the rural economy, after agriculture.

Equestrian business is a significant but rather hidden economic force. Estimates from various sources indicate:

- there are more than 19,000 equine businesses in the UK, employing more than 41,000 people [Lantra, BHIC 2010];
- the gross turnover of the horse industry, excluding racing, is £4.3 billion per year. When racing is included, direct core expenditure is at least £5 billion per year and the total economic impact is more than £7 billion per year [British Equestrian Trade Association (BETA), BHIC 2010];
- the equine sector is the largest sporting employer in the country, with full-time equivalent (FTE) of racing and riding jobs combined numbering 70,000. When indirect employment is included, the total rises to between 220,000 and 270,000 [BHIC 2010];
- it is estimated there are around 4.3 million people who ride with more than two million riding at least once a month [BETA 2010], and more than 720,000 people owning horses [Lantra 2010];
- around 11 million people have some interest in the horse industry, and five million have an active interest [BHIC and Defra *Strategy for the Horse Industry in England and Wales* 2005];
- there are approximately one million horses and ponies kept in the UK of which 970,000 have horse passports [National Equine Database]; and
- more than 500,000 hectares are dedicated to maintaining and producing horses [BHIC 2010] – and according to Defra this figure has been growing at a significant rate, more than 70 percent in the past five years¹.

This clearly indicates that as the equine business sector continues to grow it will play an increasingly significant role in the economy and in society, as well as in land ownership and land management. This means the CLA is ideally placed to bring its experience to bear on this important industry sector in the following ways:



1. defending private property rights in England and Wales;
2. championing the profitability of rural businesses; and
3. promoting the role of CLA members in delivering landscape, biodiversity and mitigating climate change.

These are reflected in the CLA's commitment to the development of the rural economy which focuses on three themes: enabling rural business, caring for the countryside, and enjoying the countryside.

Moreover, these broadly align with the economic, social and environmental pillars of "sustainable development". Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs².

Horses are an important part of land ownership and the rural economy and, if managed well, can contribute to the environmental well-being of the countryside and provide a means for people to enjoy the rural landscape, whether actively involved or as spectators.

Using the three themes set out above, this document details the CLA's approach to equine business.

1. Defra Farm Business Survey 2010

2. United Nations Report of the World Commission on Environment and Development – December 1987

2. ENABLING EQUINE BUSINESS

2.1 Planning

The planning system is a fundamental consideration for any land-based rural business. Few commentators would dispute that it is too expensive, too complicated and too slow.

The CLA has been at the forefront of those demanding reform. Our analysis and proposals for change are set out in our report *Planning for Change in the Countryside*.

Many forms of development carried out for agricultural purposes are specifically exempted from a number of the requirements that ordinarily apply. However, this does not extend to equine businesses. A horse may be regarded as an agricultural animal when it is used for agricultural purposes, but nowadays such situations are unusual.

As the agricultural exemption is designed to recognise the importance of food production, its extension to the equine sector would not be appropriate. Although equine businesses are important to the economic, social and environmental life of the countryside they are not, by their very nature, involved in food production.

Nevertheless, a farmer setting up an equine business will find himself having to deal with the planning system. Often this leads to confusion and uncertainty on the part of the person seeking to diversify. However, the planning system can be reformed for the benefit of equine businesses.

Planning policy relating specifically to equestrian development is sparse, save for *Planning Policy Statement 4: Planning for Sustainable Economic Growth* (PPS4) which states: "Local planning authorities should... where appropriate, support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the

needs of training and breeding businesses that maintain environmental quality and countryside character." But it should be noted that PPS4 will be over-ridden by a specific policy relating to the rural economy in the forthcoming National Planning Policy Framework (due for publication in March 2012). Applicants must ensure that their planning applications for equine related development take account of the new national planning policy.

Planning authorities often find commercial, particularly large-scale, equestrian development hard to accept, especially in designated areas such as Areas of Outstanding Natural Beauty (AONB) and National Parks or greenbelt land.

It is hard to see the reason for this. Equine businesses, if well managed, have a low impact on the environment and landscape. In many cases they are no more, and frequently they are less, intrusive than farm businesses. If run well, they will provide jobs and generate income for the rural economy. Other services supplying the horse industry (for example, farriers, physiotherapists, horse dentists, saddlers, tack retailers, to name but a few) also benefit.

The CLA calls on the Government to:

- reform the planning system so it is cheaper, simpler and faster for equine businesses to use;
- recognise the limited impact of well-managed equine businesses on the environment and landscape; and
- encourage a more positive approach by authorities to the national guidance set out in emerging policy through recognising the importance and value of the equine sector to the rural economy.



2.2 Diversification

It is well known that the potential market in the equine sector is huge. However, it is also the case that the industry is fragmented and enterprises are often set up with inadequate knowledge, experience or facilities. There is little co-ordinated assistance from government or indeed industry bodies, so new operators are very much left on their own in trying to turn market potential into economic success.

The CLA's expertise in all aspects of land ownership, land management and rural business – and in particular our focus on rural diversification – puts us in a strong position to argue the case with government to remove as many of the hurdles as possible currently facing equine businesses.

The CLA calls on the Government to:

- set up a government/industry forum to examine the economic viability and potential for the equine sector and to use this to set benchmarks for economic performance.

2.3 Land tenure

Equine businesses need access to land and buildings, and this can be provided through a range of legal agreements, each of which lends itself to the particular circumstances. Where the equestrian use is limited to grazing only, agricultural tenancy agreements such as Farm Business Tenancies (or for shorter terms, Grazing Agreements of Profits of Pasturage) are appropriate. Where the equestrian activity involves the exclusive occupation of buildings (with or without land), it falls under the Landlord and Tenant Act 1954. Short-term agreements or non-exclusive possession, such as weekly stabling, may be adequately dealt with under a licence.

The CLA is seeking deregulation of lower-value business lettings, which otherwise involve the parties in onerous legal costs. We have suggested an agenda for reform of the 1954 Act to enable secure short-term lettings of small premises for business use on far more flexible terms such as the assured shorthold tenancy in the residential sector. Nevertheless, it is important that the full implications of any reform for the agricultural and equine sectors are considered.

The CLA calls on the Government to:

- put in place a deregulation strategy for smaller business tenancies while respecting the rights of those who own property; and
- ensure any equine proposals that impact on the agricultural tenanted sector are considered by the Tenancy Reform Industry Group (TRIG).

2.4 Rural broadband

Equestrian businesses are as dependent on broadband as other rural businesses. Indeed, many equine businesses still have no access to an effective and affordable broadband connection.

The CLA will continue to lobby the Government to meet its obligation to put in place a viable and universal broadband network by 2015. It is essential equine businesses are able to benefit from the enormous advantages broadband offers.

The CLA calls on the Government to:

- increase the benchmark universal speed from two Mbps to five Mbps as part of the Universal Service Commitment;
- ensure that the roll-out of superfast broadband through a fibre optic network is comprehensively rural-proofed; and
- allow equine businesses and rural communities to “piggy-back” on available public sector broadband networks by using unused bandwidth.

2.5 Liabilities in respect of horses

As with many aspects of life, riding and working with horses carries an element of risk. Naturally, those responsible for horses should do their utmost to ensure that they do not cause any harm.

The CLA accepts that if the keeper has been negligent or otherwise at fault in some way and as a result someone else loses out, he should be liable for those losses. We have no sympathy for careless riding instructors, riders or livery yard owners.

However, we are concerned about the extent to which what is known as strict liability is being applied in the equine sector. Strict liability arises when the law deems a person to be legally responsible for something, even though he has not been at fault in any way; that person is liable even though he has done nothing wrong. In our view the circumstances in which a person should be held responsible for something which is not his fault should be extremely rare, if they exist at all.

In the context of keepers of animals, the law concerning strict liability is found in Section 2 of the Animals Act 1971. The case of *Mirvehedy v Henley* in 2003 illustrates the injustice that can arise. In that case horse owners were held strictly liable for injuries to a motorist in an accident in which their horses had escaped from their paddock and strayed onto a road where they were in collision with a car, the driver of which suffered serious injuries. The owners were held liable even though they had not been negligent and, indeed, had excellent fencing.

This seems unfair. Moreover, it has led to a significant level of uncertainty over the risks of keeping horses and to widespread increases in insurance premiums for horse owners in England and Wales.

The CLA has been lobbying the Government to change the law. We have secured government support in principle and we are endeavouring to ensure that this leads to the Animals Act being reformed.

The CLA calls on the Government to:

- put in place a long-overdue and much-needed amendment to the Animals Act to help the equine business sector.

2.6 Health and safety

The Health and Safety at Work Act 1974 makes employers take a rigorous approach to the workplace and its hazards requiring them to do what is “reasonably practicable” to ensure health and safety. The management of risk requires identification of the risk, control and then ongoing control of the risk.

The Act applies to all work activities and premises and the responsibility extends to everyone, including the self-employed. The laws are enforced by inspectors who have a right of entry to business premises with a power to prosecute.

The MacDonald Report on farm deregulation³ also stresses the importance of adopting a risk-based approach and a move away from prescriptive regulation.

Inherently, horse businesses have activities which could be categorised as “high risk”, and the CLA supports a balanced approach to ensure risks are minimised and that safe working practices are in place.

The CLA calls on the Government to:

- implement the independent Farming Regulation Task Force recommendations allowing a risk-based approach to be adopted.



3. Independent Farming Regulation Task Force report, 17 May 2011

2.7 Business rates

Business rates are, in principle if not always in practice, a tax on the occupation of non-domestic premises. The amount payable is based on the rateable value of the premises, an amount that is equivalent to the yearly rent a property could have been let for on the open market on a particular day. Revaluation takes place every five years; the latest list came in to effect on 1 April 2010.

The amount payable is based on a percentage of the rateable value – “the multiplier” – which is set by central government each year. It is generally in the region of 42 percent – a significant proportion.

Properties with a rateable value of less than £18,000 receive Small Business Rate Relief if a claim is made.

There is an agricultural exemption which is similar to, although not the same as, that which applies under the planning system. This benefits the equine sector to some degree in that land used for grazing horses is exempt in the same way that land used for grazing any other animal is. There is also a special relief for stud buildings used for the rearing/breeding of horses or ponies.

Otherwise, the rating system applies in the same way as it does to other businesses. Particular problems have arisen with the partial abolition of the exemption that applied to unoccupied premises. As of 1 April 2011 the rateable value at which no business rates are payable because the premises are empty was cut from £18,000 to £2,600. As a result, those equine businesses that have empty units and are already struggling because of a lack of trade now face a much larger rating liability. There seems little doubt that a number will not survive.

As with planning, there are problems with the application of the business rates system to the equine sector. The exemptions are complex. It is not always immediately apparent whether they apply or not. Moreover, it is not always apparent when an activity, such as a livery, which began as a hobby carried out at someone’s home, becomes a business and therefore rateable. A wide range of businesses are so-called “hobby businesses” and are close to being treated as commercial entities but do not fall within the definition of agriculture.

The CLA calls on the Government to:

- retain Small Business Rate Relief and other simply administered reliefs; and
- reverse the abolition of the partial exemption for empty commercial property.



2.8 Taxation

Farms may benefit from advantageous Inheritance Tax reliefs, for agricultural and business property, respectively Agricultural Property Relief (APR) and Business Property Relief (BPR). APR does not normally apply to property occupied for the purposes of grazing by horses: the exception being grazing by horses connected with a stud farm. Where horses are bred or kept to produce food, different considerations may apply (and APR may be available).

However, there remains a concern that landowners may not be letting land for equine businesses in the belief that APR may be removed. This threat leads to both instability for the farming operation and uncertainty for the equine business.

Other equine activities may result in the property qualifying for BPR. This will depend upon the level of services offered (for example, DIY livery is unlikely to qualify for BPR because the landowner is merely exploiting property rights rather than providing goods and services). BPR is not generally available where businesses are not run for gain, so what are essentially hobby activities will not qualify.

The supply of any interest in or right over land is normally a VAT-exempt supply (meaning no recovery of directly related input tax). Accordingly, the provision of stabling within a DIY livery business will normally be a VAT-exempt supply of land (unless, exceptionally, considerable additional services are provided). This means no VAT is charged on the livery and none can be claimed back. This also applies to feed supplied and to grazing, again where no care is provided.

Full or assisted livery services such as mucking out, turning out, feeding and exercising are all subject to VAT as the supply is not merely the supply of an interest in or right over land. Where food is supplied as part of a livery service, it will be liable to VAT, and it will be taxed at the standard rates even though animal feedstuff is zero-rated.

However, the tax regime remains extremely complex, cumbersome and confusing for equine business operators. This is very much to the detriment of the sector and creates a bewildering bureaucracy.

The CLA calls on the Government to:

- encourage landowners to let land for equine businesses without the threat of the loss of Agricultural Property Relief.

3. CARING FOR THE COUNTRYSIDE

3.1 Pasture management

The CLA supports the current approach to pasture management and stocking densities.

Various government-funded agencies have provided guidance on pasture management. Some of this guidance refers to very low stocking rates of only one horse per hectare.

The CLA is keen to avoid an excessively prescriptive approach to stocking densities. Appropriate densities vary according to the way in which the horse is kept and the purpose it fulfils. Competition horses are unlikely to spend extensive periods grazing, while a more general purpose riding horse will spend more time at grass.

The CLA calls on the Government to:

- retain the current approach to pasture management and stocking densities.

3.2 Common ragwort

The CLA strongly supports the current approach to controlling common ragwort where it poses a potential risk to the health of equine animals or other grazing animals.

Common ragwort eaten by horses and other equine animals frequently has debilitating and fatal consequences often leading to a terrible, painful death.

Under the Weeds Act 1959, the Government requires the occupier of any land to take such action as may be necessary to control noxious weeds including common ragwort as well as spear thistle, field thistle and dock. If the owner fails to do so, an enforcement notice can be, but does not have to be, issued requiring him to take action. Non-compliance is an offence. If the occupier cannot be traced, action can be taken against the owner.

After intensive lobbying by sections of the horse industry, the Ragwort Control Act 2003 provided for the creation of a code of practice for managing common ragwort. The current version is entitled *Code of Practice on How to Prevent the Spread of Ragwort* (revised May 2007). The Code may be used as evidence in any proceedings taken under the Weeds Act 1959. Owners/occupiers are able to establish a defence if they can demonstrate that they have adopted control measures that comply with the Code's guidance.

The CLA believes that common ragwort control is vital to reduce the risk of suffering and death to equine animals. In some cases common ragwort can be shown to be causing no harm or posing no risk to horses and other grazing animals and it would be disproportionate to require landowners to control the weeds; in others cases, a balanced approach will be required and appropriate control will need to take place.

The CLA calls on the Government to:

- retain the current approach to controlling common ragwort where it poses a potential risk to the health of equine animals or other grazing animals; and
- ensure that Natural England uses its powers to require common ragwort to be destroyed in appropriate cases.





3.3 Welfare

The Animal Welfare Act 2006 actually came into force in 2007. In addition to maintaining the long-standing cruelty offence, the Act extends the duty of care which existed for farm animals to non-farmed and domestic animals. Through this piece of legislation, a new offence of failing to provide for the needs of an animal in a person's care has been created. In turn, more emphasis has been placed on owners and keepers, who must take reasonable steps to provide for the needs of their animals.

The Act makes provision for the introduction of codes of practice compliance which will suggest, but not determine, whether or not an offence has been committed. In the equine sector there is the *Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids*.

The Act also provides for the licensing and registration of activities involving animals. Riding schools have been subject to inspection and licensing by local authorities to ensure horses are properly accommodated and cared for following the Riding Establishment Act 1964. It has been suggested that there is a need to introduce similar requirements in respect of livery yards.

The CLA was a strong supporter of the introduction of a duty to promote welfare and the use of codes of practice to suggest what should or should not be done. These codes are far better at taking account of the needs of the animal than the more black-and-white approach required by regulation. We do not, however, believe that the case for the registration of livery yards has been made yet. Any such system would represent a disproportionate increase in the overall regulatory burden. In our view the welfare of horses kept in livery can be properly protected by current enforcement practices.

The CLA calls on the Government to:

- recognise the increase in horse welfare standards following the Animal Welfare Act 2006 and ensure that this level of welfare is maintained.

3.4 Water

The CLA's general policy on water is set out in the CLA's policy report *The Tide is High: CLA Vision for Water*.

Fresh, clean water is essential for horses and ponies and most drinking bowls and troughs in stables are supplied by mains water. When water is supplied from the mains the Water Supply (Water Fittings) Regulation 1999 applies and is enforced by the water companies.

The requirements are detailed and wide-ranging, and compliance can be very expensive. We are aware of a significant number of members who have had to spend considerable amounts in adapting their fittings.

While of course recognising the importance of clean water and the need to comply with European Union legislation, the CLA is concerned the current law may go beyond what is reasonably necessary, causing disproportionate cost to equine business.

The CLA calls on the Government to:

- assess and review the Water Supply (Water Fittings) Regulation 1999 and determine whether its impact is proportionate.

3.5 Waste disposal

Horse manure produced by commercial establishments, livery yards and riding schools is classified as "controlled waste" and, as such, is subject to regulation under the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994. This legislative regime imposes a duty of care on anyone producing and managing controlled waste, including livery yards.

Normally, horse manure can be excluded from the controls for commercial enterprises if the following criteria are met:

- a) it is used as a fertiliser;
- b) that use is part of a lawful practice of spreading;



3.6 Climate change

Government and the Committee on Climate Change state that land management and agriculture are responsible for about nine percent of UK greenhouse gas emissions, of which 90 percent come from non-CO₂ gases (nitrous oxide and methane) emitted from fertilisers, manure, ruminant livestock and grazing animals (Committee on Climate Change 2011).

The CLA recognised very early on that land managers are literally on the front-line of climate change and our 2001 ground-breaking report *Climate Change and the Rural Economy* set out how land managers could have a positive role in mitigating the impact of climate change and adapting management practices to sustain social and economic activity in the countryside.

In 2005 we initiated a European report *Climate Change and the European Countryside* which looked at the impact of climate change on a number of European estates and also trialled the CLA CALM Calculator, a tool to help land managers work out the balance of greenhouse gases emitted by their land-based business as well as carbon stored in their trees and soil.

The report highlighted a number of issues land managers need to consider when running land-based businesses such as:

- the importance of water resources and storage;
- the efficient use of nutrients;
- the need for the development of robust policies for disease control;
- the promotion of forestry policy that encourages mixed uneven-aged woodlands;
- the maintenance of cover to minimise soil erosion; and
- the consideration of increased flooding.

Those running land-based businesses therefore need to consider responsible disposal of manure, careful use of water, good pasture management to conserve soil and habitats, the establishment of an equine health plan, and an awareness of increased flood risk. Action in these areas can make land and businesses more resilient to the impacts of climate change.

The report also identifies the need for better integration of policies to tackle climate change and achieve reductions in emissions and development of carbon sinks.

- c) the spreading takes place on clearly identified parcels of land; and
- d) its storage is limited to the needs of the spreading operations.

The temporary storage of manure prior to its use as a fertiliser or disposal elsewhere does not require a licence or a registered exemption. However, if the manure is being actively composted (i.e. other material added and it is actively turned), as opposed to just stored, an exemption may need to be registered with the Environment Agency under paragraph 12 of the Waste Management Licensing Regulations 1994. This can be done by contacting the Environment Agency waste helpline.

More generally it is an offence to pollute ground or surface waters. This can be a potential issue for private and commercial stables, where manure is stored and fluids drain from the muckheap into nearby surface or ground water. Government guidance states that muck storage areas should have an impermeable base that slopes so that any effluent can be collected easily in a sealed underground tank.

We believe this is an appropriate and proportionate state of affairs.

The CLA calls on the Government to:

- retain the current requirement for the storage and disposal of manure.

The CLA calls on the Government to:

- integrate existing policies to tackle climate change and achieve reductions in emissions; and
- provide better advice and support as well as incentives for voluntary agreements which will help equine businesses combat climate change.

3.7 Single Payment Scheme and Environmental Stewardship

The Single Payment Scheme is the principal form of agricultural financial support throughout the European Union. It is funded through the Common Agricultural Policy (CAP). Under the scheme farmers are paid for keeping their land in good agricultural and environmental condition. Payments are no longer linked to food production.

Agri-environment schemes also enable land managers and farmers to be rewarded for providing additional levels of environmental stewardship in agriculture.

The future of the CAP is currently being reviewed, and the CLA is at the heart of the debate, actively lobbying for the best possible outcome for agriculture, land ownership and the environment.

The rural economy is underpinned by the Single Payment Scheme and agri-environment schemes, without which many land-based businesses would not be financially viable. It is important, therefore, that the receipt of payments under the schemes does not conflict with equine use or, indeed, equine use clash with the receipt of payments. Following CLA lobbying, Single Payment can be claimed on land including statutory bridleways, byways, permissive routes and toll rides provided they are grass. However, permanent changes to land used for exercising or training horses, for example, gallops for thoroughbred horses, are not eligible.

Neither Higher Level Stewardship nor Entry Level Stewardship allow the use of “buffer strips” for riding but, until recently, encouraged, through grant aid, the development of permissive bridleways.



The CLA calls on the Government to:

- fight in Europe for a CAP that rewards land managers and farmers for providing environmental benefits and other public goods; and
- ensure that equine activities can continue on land receiving payment under the Single Payment Scheme and agri-environment schemes.

4. ENJOYING THE COUNTRYSIDE



4.1 Modernising public rights of way

Around 29,000 miles of bridleways exist in England and are recorded on the definitive maps held by local authorities. As with the vast majority of public rights of way, they are based on historical use. If a right ever existed, it continues to do so under the maxim “once a highway, always a highway”.

However, the public rights of way network is out of date, failing to satisfy the recreational desire of the user or the professional needs of the landowner. The presence of a bridleway across a farm or other managed landscape can cause significant operational difficulties for land managers and for leisure riders, when an alternative might better serve both groups.

Public rights of way are a minefield of complexity – a tortuous and archaic system beloved only by those who can turn its convoluted procedures and nuances to their own advantage.

The current system needs to be reformed as it simply leads to acrimonious relations between landowners and users. The CLA believes what is needed is a modern, flexible bridleway network, and a simplification of the cumbersome process of modifying existing routes to reflect contemporary land management and recreational needs. An injection of common sense is required.

In particular, more should be done to provide incentives for land managers to create and maintain access for riders, whether through public funding or the promotion of toll ride schemes. Similarly, we need to end the “once a highway, always a highway” mindset and make it easier to move existing rights of way in cases where they are seriously damaging a rural business.

The CLA calls on the Government to:

- create a system which allows the relocation of rights of way where they cross farmyards, gardens or dangerous hazards, to the benefit of users as well as owners;
- retain the 2026 cut-off date for adding any further routes based on historic routes to the Definitive Map; and
- promote more permissive routes, particularly based on tolls, to ensure land managers are rewarded for providing the facility, linking existing routes to create a comprehensive well-maintained and way-marked network of off-road routes.

4.2 Tourism

Rural tourism, including equine tourism, provides many economic and social opportunities. Equine tourism covers a wide range of interests including hacking, amateur showjumping, eventing, dressage and Trec, riding clubs and horse racing among many others. Tourist riding holidays are increasingly popular but are often hampered by shifting regulations, tax rules and a planning and building control system that blocks sensible developments rather than encouraging them.

The CLA calls on the Government to:

- maintain the current regional tourist information network;
- provide practical and effective tourism signage; and
- ensure equestrian tourist business interests are prioritised in the Rural Tourism Action Plan and strategic framework being developed by Visit England.



4.3 Hunting with dogs

The supporters of the Hunting Act 2004 claimed it was necessary to protect the welfare of the fox and other hunted animals. We do not believe it achieves that objective. It merely attempts to stop a number of activities associated with a particular form of hunting. Those who pushed for the ban appeared more interested in controlling human behaviour than in animal welfare. In respect of equine and other rural businesses, hunting with dogs is an activity that creates jobs and tourism opportunities.

The CLA calls on the Government to:

- ensure that future legislation does not constrain equine and other rural businesses that benefit from hunting with dogs.

5. HOW THE CLA WILL DELIVER ITS POLICY

The CLA has a strong track record of accessing and influencing government and will continue to promote the interests of its members by lobbying politicians and government officials in England and Wales as well as working in Brussels to influence European Union policies.

Within the UK, there are many tightly focused equine groups that make a valuable contribution to the equine business debate. The CLA has a wider remit and is in a position to provide a strategic overview. This is why it is also important to form constructive relationships and collaborate with other organisations to ensure that equine businesses are served on the full range of relevant issues.

At a European level, the CLA is a most active participant in the European Landowners' Organization (ELO) through which it ensures that the interests of land owners and managers are protected in European Union policy.



6. SUMMARY OF RECOMMENDATIONS

To facilitate the creation of a modern and thriving equine business sector, the CLA believes the following actions are necessary.

Enabling Equine Business

2.1 Planning

The CLA calls on the Government to:

- reform the planning system so that it is cheaper, simpler and faster for equine businesses to use;
- recognise the limited impact of well-managed equine businesses on the environment and landscape; and
- encourage a more positive approach by authorities to the national guidance set out in emerging policy through recognising the importance and value of the equine sector to the rural economy.

2.2 Diversification

The CLA calls on the Government to:

- set up a government/industry forum to examine the economic viability and potential for the equine sector and to use this to set benchmarks for economic performance.

2.3 Land tenure

The CLA calls on the Government to:

- put in place a deregulation strategy for smaller business tenancies while respecting the rights of those who own property; and
- ensure any equine proposals that impact the agricultural tenanted sector are considered by the Tenancy Reform Industry Group (TRIG).

2.4 Rural broadband

The CLA calls on the Government to:

- increase the benchmark universal speed from two Mbps to five Mbps as part of the Universal Service Commitment;
- ensure that the roll-out of superfast broadband through a fibre optic network is comprehensively rural-proofed; and
- allow equine businesses and rural communities to “piggy-back” on available public sector broadband networks by using unused bandwidth.

2.5 Liabilities in respect of horses

The CLA calls on the Government to:

- put in place a long-overdue and much-needed amendment to the Animals Act to help the equine business sector.

2.6 Health and safety

The CLA calls on the Government to:

- implement the independent Farming Regulation Task Force recommendations allowing a risk-based approach to be adopted.

2.7 Business rates

The CLA calls on the Government to:

- retain Small Business Rate Relief and other simply administered reliefs; and
- reverse the abolition of the partial exemption for empty commercial property.

2.8 Taxation

The CLA calls on the Government to:

- encourage landowners to let land for equine businesses without the threat of the loss of Agricultural Property Relief.

Caring for the Countryside

3.1 Pasture management

The CLA calls on the Government to:

- retain the current approach to pasture management and stocking densities.

3.2 Common ragwort

The CLA calls on the Government to:

- retain the current approach to controlling common ragwort where it poses a potential risk to the health of equine animals or other grazing animals; and
- ensure that Natural England uses its powers to require common ragwort to be destroyed in appropriate cases.

3.3 Welfare

The CLA calls on the Government to:

- recognise the increase in horse welfare standards following the Animal Welfare Act 2006 and ensure that this level of welfare is maintained.

3.4 Water

The CLA calls on the Government to:

- assess and review the Water Supply (Water Fittings) Regulation 1999 and determine whether its impact is proportionate.

3.5 Waste disposal

The CLA calls on the Government to:

- retain the current requirement for the storage and disposal of manure.

3.6 Climate change

The CLA calls on the Government to:

- integrate existing policies to tackle climate change and achieve reductions in emissions; and
- provide better advice and support as well as incentives for voluntary agreements which will help equine businesses combat climate change.

3.7 Single Payment Scheme and Environmental Stewardship

The CLA calls on the Government to:

- fight in Europe for a Common Agricultural Policy (CAP) that rewards land managers and farmers for providing environmental benefits and other public goods; and
- ensure that equine activities can continue on land receiving payment under the Single Payment Scheme and agri-environment schemes.

Enjoying the Countryside

4.1 Modernising public rights of way

The CLA calls on the Government to:

- create a system which allows the relocation of rights of way where they cross farmyards, gardens or dangerous hazards, to the benefit of users as well as owners;
- retain the 2026 cut-off date for adding any further routes based on historic routes to the Definitive Map; and
- promote more permissive routes, particularly based on tolls, to ensure land managers are rewarded for providing the facility, linking existing routes to create a comprehensive well-maintained and way-marked network of off-road routes.

4.2 Tourism

The CLA calls on the Government to:

- maintain the current regional tourist information network;
- provide practical and effective tourism signage; and
- ensure equestrian tourist business interests are prioritised in the Rural Tourism Action Plan and strategic framework being developed by Visit England.

4.3 Hunting with dogs

The CLA calls on the Government to:

- ensure that future legislation does not constrain equine and other rural businesses that benefit from hunting with dogs.

CONTACTS

For more information on *Clearing Hurdles: CLA policy on creating a modern and thriving equine business sector*, published in January 2012, contact:

Dr Charles Trotman
Head of Rural Business Development
Country Land and Business Association
16 Belgrave Square
London SW1X 8PQ

Tel: 020 7460 7939
Fax: 020 7235 4696
Email: charles.trotman@cla.org.uk
www.cla.org.uk

© Country Land and Business Association Limited 2012
Registered in England and Wales No: 6131587 at the above address.

All rights reserved. No part of this publication may be reproduced or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, or stored in any retrieval system of any nature without prior written permission of the copyright holder except as expressly permitted by law.



Clearing Hurdles: CLA policy on creating a modern and thriving equine business sector

16 Belgrave Square
London SW1X 8PQ
T: 020 7235 0511
F: 020 7235 4696
E: mail@cla.org.uk
www.cla.org.uk