

June 2022

Petitions Committee submission

Submission in response to the petition of Arthur Yeo on behalf of the New Zealand Equestrian Advocacy Network

From the New Zealand Walking Access Commission Ara Hīkoi Aotearoa

Introduction

The New Zealand Walking Access Commission Ara Hīkoi Aotearoa (the Commission) is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to advise on and advocate for free, certain, enduring, and practical access to the outdoors. We administer a national strategy on outdoor access, including tracks and trails. We map outdoor access, provide information to the public, oversee a code of responsible conduct in the outdoors, help resolve access issues and negotiate new access. Our governing piece of legislation is the Walking Access Act 2008.

One of the access issues we are asked to help resolve is access for horse riders.

In an email on 17 May 2022, the Petitions Committee asked the Commission to make a written submission commenting on the issues raised by the petition of Arthur Yeo on behalf of New Zealand Equestrian Advocacy Network: Government designers of public infrastructure be required to meet equine needs (the petition).

The petition requests “That the House of Representatives ensure, through legislation, that central and local government designers and planners of public works and policy are required to consider, inform, consult and include equestrian users’ needs in the design and construction of all roading, pathways, reserves and parks.”

Well-being and value from horse riding

Horse riding is an established and traditional form of recreation and transport in New Zealand. It supports all four wellbeings that the Treasury measures.

- Horse riding connects people to the environment and can be an environmentally friendly form of transportation or recreation.
- Horses are beloved by their owners and many other people in the community. Like other animals, they improve our mental and physical health by getting us outdoors and exercising.
- Horse riders are also an important sub-sector of the public. They socialise together and develop strong networks that help build local communities.

As a starting principle, we believe that legislation should support horse riding when it is practical to do so.

Current legal access for horse riders

Some rules around horse riders' access to our transport network are outlined in the [Land Transport \(Road User\) Rule 2004](#).

Section 11.14 of the Rule allows horse riders onto the road. However, subsection 4 bans them from using footpaths.

Section 11.1A of the Rule defines shared paths as follows:

11.1A Use of shared path

(1) This clause applies to a path that—

(a) may be a cycle path, a footpath, or some other kind of path; and

(b) may be used by some or all of the following persons at the same time:

(i) pedestrians:

(ii) cyclists:

(iii) riders of mobility devices:

(iv) riders of wheeled recreational devices.

Throughout this secondary legislation, the drafters have assumed that ridden horses are equivalent to vehicles. It considers horses should be on roads (but try to be out of the way of other vehicles as much as possible) but not on footpaths or shared paths.

Territorial authority rules often reflect this assumption. For instance, the [Waitomo District Council ByLaw](#) is a typical example of a territorial authority specifically limiting horse rider access to some public spaces but not limiting other forms of active transport.

There are a range of assumptions behind excluding horse riders from public access available to other people. These include:

- Safety and speed
- Hygiene and health
- The perception that horses are either fearful of or intimidating to other path users, and that horses cannot safely interact with other path users

The Commission's view is that often these reasons for excluding horse riders from public access available to other people are not justified. There are many common ways to recreate outdoors on shared pathways, including walking, running, cycling, e-biking, and scooting. All these users need to be aware of each other's speed and space to share the path safely and courteously — the same is equally valid for horse riders. Horses are bigger than pedestrians and can travel faster. But modern e-bikes are also big, heavy and can travel faster than horses in most situations.

In many instances, shared access is appropriate so long as everyone accounts for the needs of the most vulnerable people on the path. Further, when shared access is not appropriate the default position does not need to exclude horses.

The Commission's experience

The Commission has received many enquiries from horse riders since 2010. The recreational equestrian sector's issues are nationwide and diverse and include:

- Road safety, notably on narrow country roads
- The ongoing erosion of previous horse-riding access, including beaches and local council managed land
- Exclusion from shared pathways, notably on newly formed or upgraded pathways
- Lack of consultation by local and central government agencies, and
- Difficulties in accessing traditional pack trails over unformed legal roads intersecting private land. This is essentially a South Island high country issue.

The Commission has engaged with central and local government agencies many times to support or advocate for the development of equestrian recreational amenities. This engagement strongly suggests that there are default principles among planners and track builders that horses and riders are not compatible with other recreational modes, and that providing amenities for horse riders is too expensive. These default positions are untested, and the petition itself references examples where walking, cycling and horse riding can occur safely and appropriately on shared pathways.

Including horse-riding amenities adds diversity to our outdoor access network and a greater sense of community.

New Zealand Equestrian Advocacy Network's submission

New Zealand Equestrian Advocacy Network's submission specifically requests changes to legislation and rules that would:

- enable the protection of existing equestrian access and the provision of new equestrian access,
- Promote and enable greater safety for riders using roads, and
- Support local government consultation and engagement with the equestrian community.

The proposed changes are minor and include providing clarity and definition of terms.

The Commission supports the proposed legislation and rule changes.

NZEAN advocacy

The other key element of the petition relates to a lack of inclusion of the equestrian sector's needs in public works, planning and construction of pathways and protection of traditional roads, pathways and beaches.

The Commission's experience is that local government and related agencies generally support recreational amenities and active transport and recreation. The lack of engagement with the equestrian community and the lack of provision for horse riding amenities (and road safety issues) is primarily the result of a lack of understanding of equestrian recreational requirements and options for shared pathways.

We submit that it is the responsibility of equestrian advocates, such as NZEAN, to advocate for their sector, and raise the knowledge of the options, benefits, and needs of local government and communities.

We have offered to assist NZEAN and other equestrian groups with developing strategies and educational and advocacy material to support their cause and improve their engagement with local and central government agencies.

Ric Cullinane

A handwritten signature in black ink, appearing to read 'Ric Cullinane', with a long horizontal stroke extending to the right.

Tumuaki | Chief Executive

Walking Access Commission Ara Hikoi Aotearoa