

Minutes from the National Access Forum Sub-Group: Mountain Biking and Enduro Activity – 1st meeting, held on 9th August 2017

Attendance -

David Henderson Howat (Chair)
Janice Winning (NAFsec)
Kevin Lafferty (FCS)
John Ireland - Health and Safety Policy and Development (FES)
Graeme McLean (Scottish Cycling)
Mike Brady (S Lanarkshire Council)
Karen Ramoo (SLE)
Helene Mauchlen (BHS)
Alan Macpherson (SNH)

Apologies – Jamie Smart (NFUS), Paul Timms (CTC), Angus Duncan (Falkirk Council/LAs)

AGENDA

1. Membership & Terms of Reference:

- A draft paper was tabled and the sub group approved the membership and Terms of Reference (Annex 1).

2. Clarifying the nature of the problem:

a) Experience from England and Scotland - John Ireland (FES).

- KL: FE have a lot of experience from the field, including liability issues and H & S. There is a wide spectrum of responsibility in mountain biking but the aim is to increase the number of responsible users and minimise the irresponsible element.
- JI: Unofficial trails are not new. With mountain biking taking off in the early 1980's FE provided its first guidance in 2000. FE first began building mountain bike trails to move cyclists off forest roads; as they became more experienced in trail design, their guidance on 'wild trails' began being used all over the world. Initially building trails did help control the number of unofficial wild trails but this no longer satisfies those seeking extreme trails. Bike technology has also advanced allowing more inexperienced people to ride these trails. Trail building and riding new trails is reported as being "addictive" and information about new trails is shared rapidly on social media.
- FE wild trail guidance has been tested legally in England and Wales but not yet in Scotland.
- There are a lot of positive outcomes from the increasing number of young people involved in building and riding MTB trails, especially in accessible woodlands close to where people live. A good example is at Laggan and with Trail Forks.
- JI outlined what FE see as good practice in trail building including appropriate site selection, consideration of ground conditions, appropriate level of excavation etc. FE currently promote guidance with user groups but take a preventative approach towards unofficial extreme trail construction.
- FE are taking a pragmatic approach to wild trails but the scale of trail building is huge and it is difficult to keep track of them (circ. 500km on FE land). They would like to see a national position adopted with suitable guidance agreed with the mountain biking community. More people need to be 'Doing The Ride Thing' and avoiding what is dangerous and irresponsible. The wide spectrum of wild trail builders and users means that targeting communication and the terminology to use will be very important.

(b) from the perspective of other land managers (e.g. unauthorised construction of trails; safety and liability concerns; environmental damage; cost of removal).

- KR: Scottish Land & Estates fully support mountain biking where it is aligned to the SOAC.
- Over the last few years landowners and land managers are experiencing problems relating to unauthorised trail building with the discovery of engineered tracks and structures, developed without consent.
- SLE members have experienced different levels of unauthorised mountain bike trail building on their land, each tackling the issue differently depending on severity.
- The building of these trails potentially puts the owner into a situation of being found liable, this can create extra burden and cost as well as increasing the risk of injury claims.
- There are problems of inconsistency within the local authority planning departments with some LAs requiring planning permission and others not. Example given of unauthorised trails in the Cairngorms National Park. SLE members would like clarity on planning issues, want to show good case studies, would like national guidance and want a campaign aimed at mountain bikers to 'do the right thing'.
- JS (by corr): NFUS highlighted that informal trails regularly used cause damage and impact on land management, safety and liability. Farmers often feel there is no help when things go wrong, civil action costs time and money and often doesn't lead to a successful outcome. There is also an issue of cumulative impact.

(b) from the perspective of mountain bikers (e.g opportunity for new challenges)

- GM highlighted the growth of the sport (2.5 million users UK?) and many successful trail centres close to settlements. The sport continues to grow with people travelling further to find trails. The economic benefits of the sector in Scotland are estimated at £257 million. The number of 'events' are increasing and the number of participants in these events is rising. 5 out of the top 50 world professionals are from Scotland.
- Trails were however now being built at an unsustainable level, but there are signs that the number of features on trails were being reduced in height and number in an attempt to avoid their removal by landowners. There is a realisation within the mountain biking community that they need to work with landowners to reach a solution. However the current management models (formal lease of land, community buy outs) are too restrictive for the MTB community, and it would be good to develop alternative management models.
- One example of the MTB community being part of the solution could be through 'a trail association' to promote good practice and networking of MTB groups. While there are currently 211 groups (in the UK?), only 19 practical trails sites are built and maintained by groups. The challenge is to set up a trail association and secure the resources to engage with the groups. Enduro trails could be part of this solution. There is a need to scale up the resources for giving practical support to groups and a recognition that LA rangers can't always do this because of resource pressures. There are parallels with Paths for All in terms of resources and support for training and path maintenance for path groups
- Governing bodies for mountain biking activity are mature now and engage well with other sectors. Support for groups needs to cover the formal and informal approach. Good examples of engagement were cited as 'Gate 27' (a jump site in Norfolk), work in Callendar Estate with mountain bikers, Skelf Bike park in Edinburgh, and the Tweed Valley Mountain Bike co-ordinator (part funded by LEADER) to support community groups to develop and maintain trails. Active places fund only 10% went to MTB, so there is a case to be made for more investment perhaps highlighting health benefits more.

(c) from the perspective of other users (e.g. personal safety – especially where mountain bikers descend at speed).

- MB: LAs have lots of experience of working with community groups but find MTB groups are distinct and interaction is best face to face. There are often conflicts with walkers and a blur between what is acceptable and not. They are working to manage interaction between MTB and other users at the Clyde Valley Woodlands National Nature Reserve.
- Recent research by Katrina Brown and the James Hutton Institute looks at the 'interaction between Mountain bikers and Walkers'.
- HM highlighted the effects on horse riders of irresponsible mountain biking activity. Horse riders are now informally and formally excluded from some land and forests due to unresolved conflicts with mountain bikers. Informally because riders choose not to access some areas for safety reasons as horses can be easily scared by MTB. Examples include (Aboyne & the Ae forest). Horse riders can also be unfairly excluded when access officers decide to leave parts of land that MTB have 'claimed' as exclusive because it is easier than trying to reassert the legal multi-use rights. This way land can become zoned by usage e.g. Wild Cat Trails in Sutherland.
- Horse riding is a risk sport but members are generally responsible meeting requirements and guidance from their membership body. There have been several successful campaigns on shared path use, encouraging friendly greetings. There is however a perception that some mountain bikers are 'too cool for school'. There should be guidance for the MTB community on what is and what is not acceptable practice.
- Horse riders are expected to respect land management, for example maintaining green cover and not exposing bare earth from excessive usage; the same should apply to mountain biking trails.
- AM: there have been issues in relation to nature conservation eg in the Cairngorms with impacts on Capercaillie, but generally the impacts on nature conservation were unintentional. SNH uses zonation to resolve these issues. KL also cited erosion of land on SSSIs as an issue.

(d) boundaries set by the Code (e.g. responsible cycling does not extend to trail building, branch removal, tree felling or excavation of ground without the land managers' consent).

- AM explained that the Access Code does not give guidance on this issue as building trails is not covered under the access legislation. Therefore a separate set of management rules and an agreed position would be helpful.

3. Potential ways forward (e.g. communications and/or guidance note)

There was general agreement that the MTB peer group is now mature so there are leaders to give direction and the need to strike new balance was required. This should include what is and isn't permissible, recognising the rights of other users including nature conservation. The sub group also need to think about: What might work, key individuals, and communication in its widest sense. Solutions will also take time. Suggestions about possible actions were:

- 1) A biannual conference for professionals
- 2) Targeting community/voluntary groups on the ground, perhaps using other models eg Community Woodland Association
- 3) Education at the point of sale, MTB shops, MTB maintenance businesses as bike shops are also social hubs (3.86 million bikes sold in the UK 0.25 M in Scotland).

- 4) Use of digital media and campaigns, eg 'do the ride thing'
- 5) Working with Young Scot.
- 6) Try to target trail builders and trail leaders via on line discussion groups
- 7) Find ways to highlight the dangers of irresponsible use and responsibilities and liability issues for designers of trails.
- 8) Use messages from the peer group, peer group pressure and leadership.
- 9) Use case studies with guidance eg Tweed Valley etc
- 10) Have educational pathways for trail designers, include maintenance
- 11) Highlight what is criminal damage and work with MTB groups to define this.
- 12) Some agreement of what is and is not acceptable on SSSIs.

4. Next Steps

It was agreed that the sub group should be realistic about NAF can achieve. At its next meeting it would discuss:

- potential management models,
- a communication plan (including key positive messages, audiences and communication channels),
- potential case studies

The sub group agreed to share links to various publications and websites (eg visitor safety in the countryside, MTB trail building guidance); information about liability (including recent cases); and examples of case studies demonstrating best practice.

AP1: KL, JI, and GM would meet and discuss potential alternative management models for MTB groups.

AP2: All to send links, other relevant information and examples to JW to circulate to the group.

AP3: JW - Minutes to be made available for discussion at September meeting of NAF.

5. DONM

- To be held in the second half of November. **AP4: JW to arrange**

ANNEX 1

NAF SUB-GROUP ON MOUNTAIN BIKING AND ENDURO ACTIVITY

Membership

- Membership of the sub-group is open to Full and Corresponding Member organisations of the National Access Forum, who may send one member each to the sub-group.
- The sub-group will be chaired by the NAF Convener
- The sub-group may decide to invite other organisations or interests to be represented. This should include someone with experience and expertise in Health & Safety.

Terms of Reference

To clarify the nature of the issues that need to be addressed, including key audiences and topic areas and report back to the Forum on these initial findings.

These considerations may or may not include such topics as:

- assisting existing interests such as DMBinS in approaches such as its website, the 'Do the Ride Thing' leaflet, and similar existing guidance;
- examining whether there may be guidance from other forms of recreation (e.g. skiing, orienteering etc), and from other types of competitive events, which could be positively applicable;
- examining the evidence and need for guidance on issues such as fly constructional activity, and legal liabilities;
- examining experience and approaches from other areas of Scotland and beyond in fostering communications with formal, informal and online networks of users, trail developers, and facility managers;
- examining the particular effects for MTB, positive and negative, of digital apps such as Strava and other equivalents;
- developing advice and guidance which may best assist relevant audiences, e.g. facility managers, land managers, user groups;
- developing key messages and agreed wording for communications;
- identifying good examples of work with trail designers.