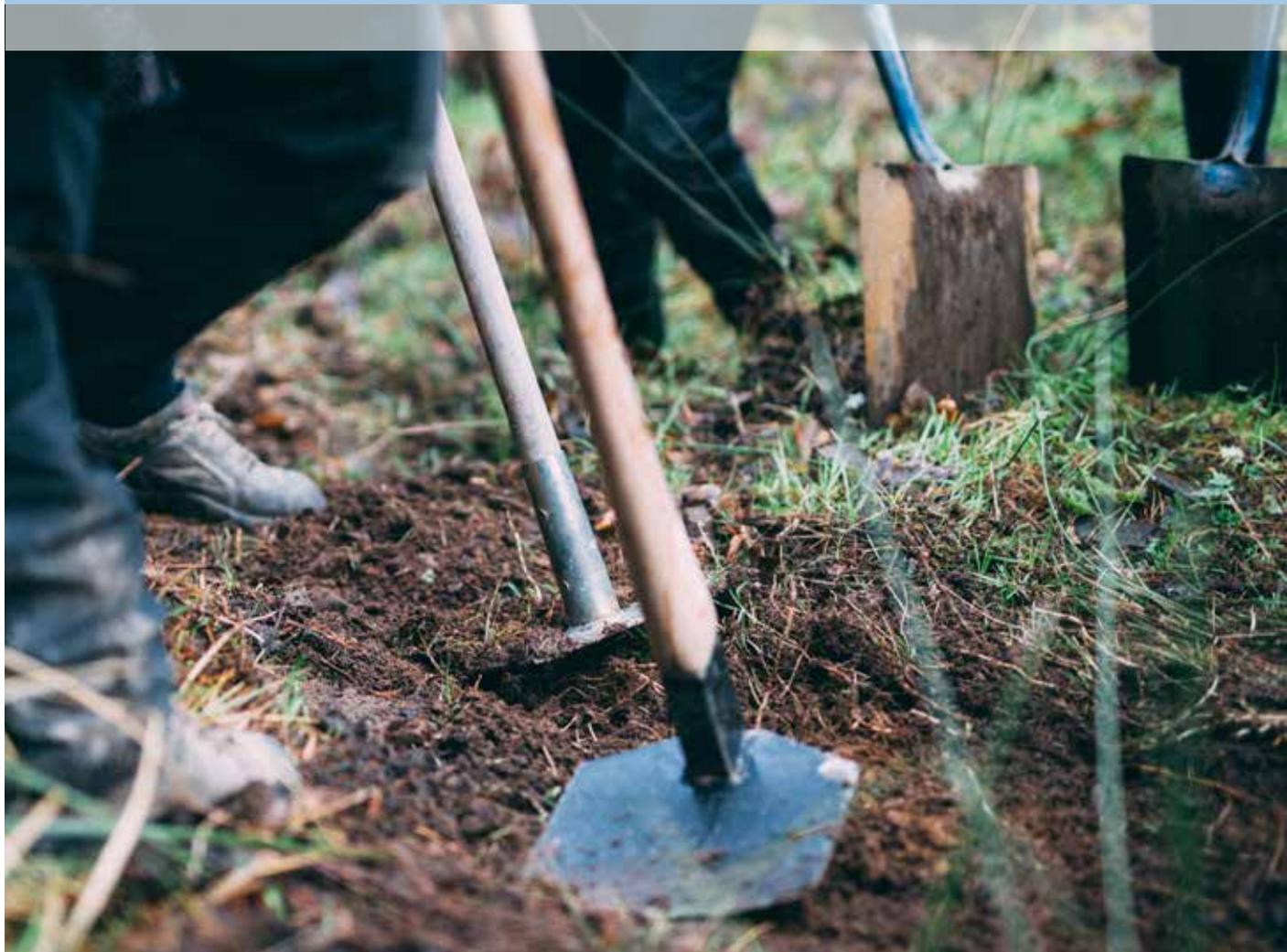




UNAUTHORISED MOUNTAIN BIKE TRAILS

A guide for land managers and riders





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INTRODUCTION

1.

Why have we developed this guidance?

Many mountain bikers are looking for new opportunities. As a result of this, there has been an increase in the number of mountain bike trails constructed without permission from the land manager¹. This has resulted in a number of problems, including the creation of potentially dangerous hazards and environmental damage. Accordingly, this guidance has been created to help mountain bikers and land managers understand different perspectives on this issue, in the context of the Scottish access rights, and to suggest ways in which they can work together and try where possible to find solutions.

Key messages

The following three key messages highlight the importance of mountain biking in Scotland, the reasons why unauthorised trails are a matter of concern for land managers, and the perspective of mountain bikers.

Photo credit: Ross Bell Photography



1. In some cases, the land manager is also the landowner. In other cases, the land manager may be a tenant, or an employee who is responsible for managing the land on behalf of the owner.

1. Scotland's reputation as a global leader in mountain biking

Scotland is rated in the top five destinations in the world for mountain biking. The activity is now worth £257 million per year to the Scottish economy and there are an estimated 1.5 million trips to the Scottish outdoors per year on a mountain bike. Considering that mountain bikes were only introduced to the UK in 1982, this growth in the activity has been incredible.

The success has been due to the nationwide distribution of purpose-built trail centres, with over 40 sites across Scotland. Meanwhile, Scotland's access legislation allows mountain bikers to share the same rights and responsibilities as walkers and other users to create adventures.

As well as bringing economic benefits, mountain biking also helps Scotland in many other ways including:

- Increased outdoor activity by teenagers and under-represented groups.
- Physical and mental health benefits from increased participation.
- Sporting achievements – Scottish riders are amongst the best in the world and compete successfully on the world stage.
- Scotland's international profile, which benefits from the reputation of Scottish riders, trails, access rights and the coordinated tourism approach.



Photo credit: Katy Winton

2. The issue of unauthorised trail building – the land manager’s perspective

While the vast majority of riders who access rural land do so responsibly, there are more and more examples of situations in which land managers are experiencing problems relating to unauthorised trail building. In this guidance, ‘unauthorised trail building’ means using hand tools or mechanical equipment to construct tracks and associated structures without consent².

Undertaking work to build tracks and features on someone else’s land is not an activity within the scope of the statutory right of access in Scotland. The building of unauthorised trails is a serious issue:

- It can have an adverse effect on the site due to lack of planning and/or unsatisfactory practice in construction or maintenance. Where such actions contravene environmental legislation, for example through damage to sensitive habitats or designated wildlife and archaeological/cultural sites, they may constitute criminal offences. Land managers may also be held liable for non-compliance with EU Common Agricultural Policy rules on maintaining the land in good environmental condition.
- It can breach planning legislation, leading to enforcement action.
- It can cause disruption to routine land management practices, including forestry operations.
- It can be dangerous for other access takers and lead to conflict between user groups, especially where there is no consultation with these other groups.
- It can pose risks for those building or using unauthorised trails and associated features. If trails are not properly designed, constructed and maintained, this can lead to hazards such as unexpected challenges or dangerous exits.

Although the *Land Reform (Scotland) Act 2003* gives everyone a statutory right of access to most land in Scotland, any person or organisation with a responsibility for the land still has a legal duty of care to all users. There are further details about legal liability under such legislation as the *Occupiers’ Liability (Scotland) Act 1960* and the *Health and Safety at Work Act 1974* in Section 4 of this guidance.

The scale of unauthorised trail building, and the use of such trails, has grown in recent years as mountain bikers have shared information about them on social media and platforms such as Strava and Trailforks. With more riders on the trails, the risks of injury and environmental damage have increased.

2. See Glossary of terms.

3. The mountain biker's perspective

Unauthorised trails make an important contribution to local economies, provide physical and mental health benefits, offer sporting challenges, provide a connection with nature, help Scots to achieve on the world mountain bike stage, and give people opportunities to test their skills. Challenging trails are also needed to host international, national and regional events. These are all important reasons why there should be more steeper, natural, technical and fun trails.

While some mountain biking groups have approached land managers to develop trails, as advocated in the DMBinS³ *Do The Ride Thing* guidance, such groups are not necessarily willing or able to take on the responsibilities associated with community buy-outs or leases of land. There are, however, sections of the mountain biking community that want to develop new ways of working with land managers through appropriate agreements that reflect their aspirations and capacity.

3. DMBinS – *Developing Mountain Biking in Scotland*, an organisation funded by Scottish Cycling, Cyclists' Touring Club, Forestry Commission Scotland, Scottish Natural Heritage and **sports**scotland.

SCOTTISH ACCESS RIGHTS, THE SCOTTISH OUTDOOR ACCESS CODE AND OTHER SOURCES OF INFORMATION

2.

Scottish access rights and the Scottish Outdoor Access Code

Under the *Land Reform (Scotland) Act 2003*, everyone has a statutory right to be on most land for recreational purposes, some educational activities and certain commercial purposes, and for crossing over land and water. This right does not include unauthorised trail building. Access rights must be exercised responsibly, and the Scottish Outdoor Access Code⁴ provides guidance on what should be regarded as responsible behaviour.

The Code states that access rights extend to cycling and describes responsible cycling behaviour by the public as follows:

“Cycling on hard surfaces, such as wide paths and tracks, causes few problems. On narrow routes, cycling may cause problems for other people, such as walkers and horse riders. If this occurs, dismount and walk until the path becomes suitable again. Do not endanger walkers and horse riders: give other users advance warning of

Photo credit: Ross Bell Photography



4. See <https://www.nature.scot/scottish-outdoor-access-code>

2. SCOTTISH ACCESS RIGHTS, SCOTTISH OUTDOOR ACCESS CODE AND OTHER SOURCES OF INFORMATION

your presence and give way to them on a narrow path. Take care not to alarm farm animals, horses and wildlife. If you are cycling off-path, particularly in winter, avoid:

- going onto wet, boggy or soft ground; and
- churning up the surface.”

The Code also describes responsible behaviour by the land managers in relation to cycling as follows:

“Where possible, work with your local authority and other bodies to help identify paths or routes across your land which are suited for cycling. If you need to put a fence across a path or track then install a gate which allows multi-use access.”

More generally, the Code stresses that responsible behaviour is based on three key principles that apply equally to the public and land managers:

- Respect the rights of other people.
- Care for the environment.
- Take responsibility for your own actions.

In addition, the Code explains that access rights do not extend to criminal activities. Annex 1 of the Code provides an overview of the main criminal offences created by statute – these include damage to ancient monuments; damage or disturbance to animals or wild birds; damage to plants; litter; obstruction in a public place; polluting water; interfering with anything provided for the safety, health or welfare of people; and vandalism.

Other sources of information

This guidance on mountain bike trails should be read in conjunction with the Code, and other existing sources of information, including the following:

- *Do The Ride Thing: A Guide to Responsible Mountain Biking in Scotland*⁵. It aims to help all mountain bikers – from families and beginners right through to experienced riders – to understand the essentials of responsible mountain biking by expressing the key points within the Code relevant to mountain biking and by providing good practice guidance.
- The Forestry Commission Practice Guide on *Wild trail & desire line guidance*, which offers advice for land managers⁶.
- The Forestry Commission Operational Guidance on *Managing and controlling wild cycling trails*⁷.

5. See <http://www.dmbins.com/riders/do-the-ride-thing>

6. See http://vscg.org/documents/uploads/Wild_Trail_Desire_Line_Management.pdf

7. See http://vscg.org/documents/uploads/Managing_and_controlling_wild_cycling_trails_FC.pdf

MODELS FOR ENGAGEMENT AND MANAGING TRAILS

3.

Engagement

This section of the guidance has been created to help mountain bikers and land managers to discuss and decide the most appropriate model for their circumstances. Clear, transparent and effective communication is required between mountain bikers and land managers to decide upon the most appropriate model, including the future for any existing unauthorised trails. (Some aspects of this guidance may also be useful to event organisers⁸ or businesses who wish to engage with land managers about trails.) The flow charts below illustrate the engagement process from the perspective of (i) land managers and (ii) mountain bikers.

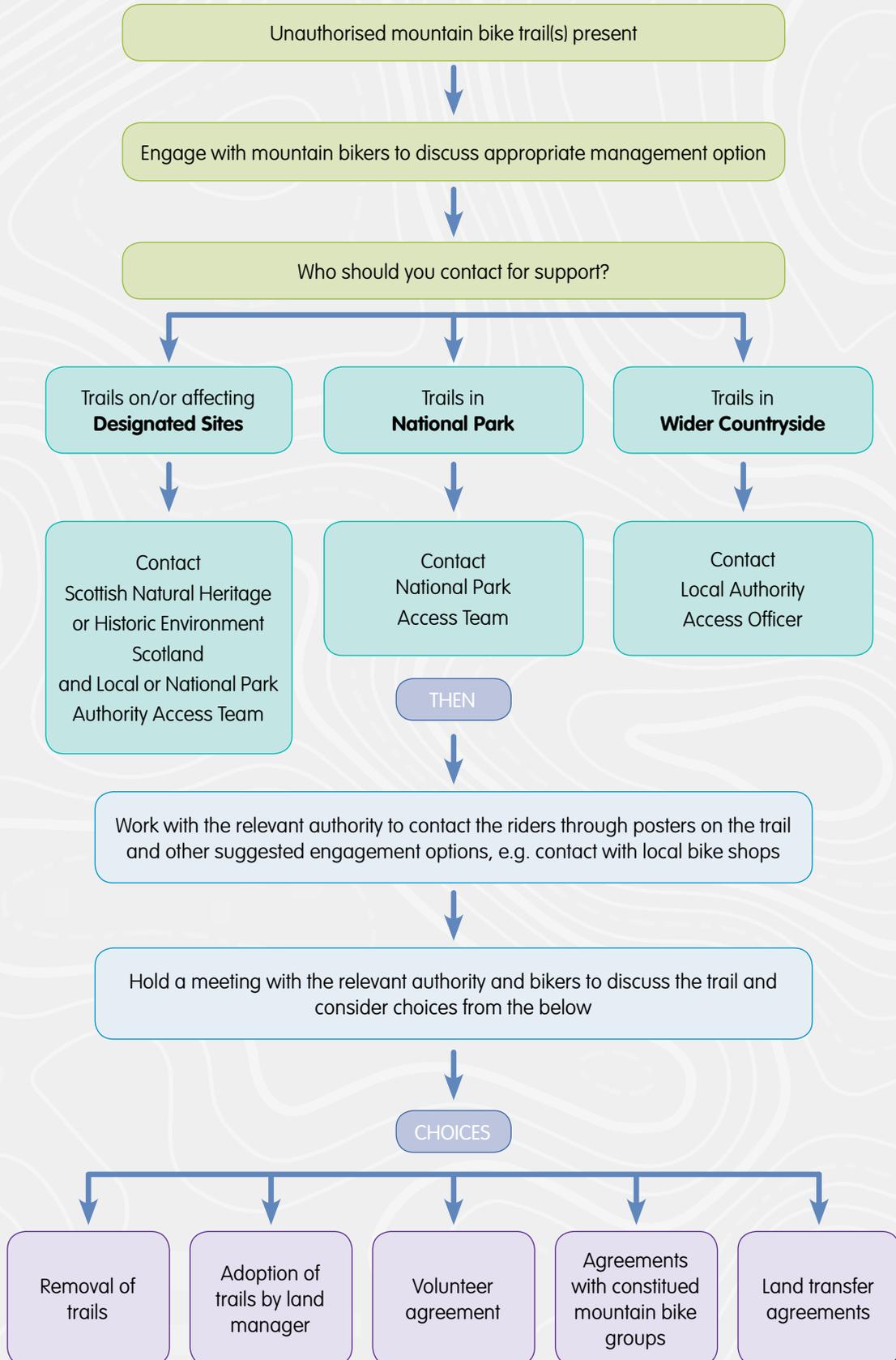


Photo credit: Andy Macandlish Photography

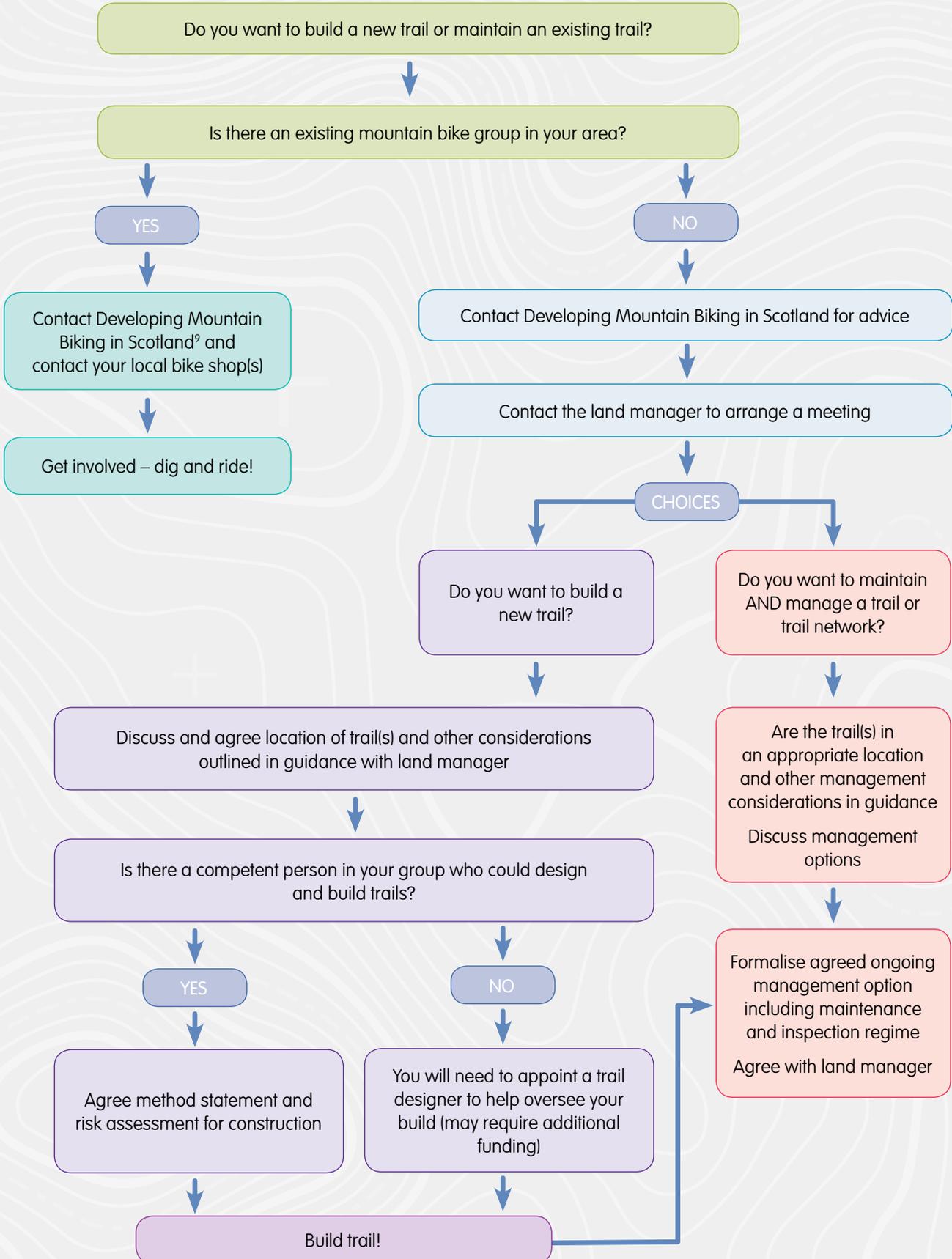
8. Event organisers should also refer to <http://www.dmbins.com/developing/people--2/events-page--8/organising-your-own-event>

3. MODELS FOR ENGAGEMENT AND MANAGING TRAILS

Flow chart summarising the process of engagement from a land manager's perspective



Flow chart summarising the process of engagement from a mountain biker's perspective



9. See <http://www.dmbins.com>

Range of possible options

There is a range of possible options for addressing user-built trail construction. At one end of the scale is the situation where the land manager decides to close the trail and remove any unsafe features. At the other end of the scale, there may be opportunities for a mountain bike group or community to own or lease the site, giving it full control, and associated liabilities. In between there is a variety of possibilities that can be discussed by mountain bikers and land managers. For each of the possible options, early engagement between mountain bikers, land managers and other stakeholders is key – and it should be recognised that this process is likely to take time.

This guidance outlines the potential benefits and challenges associated with the following options, but there may well be other possibilities that suit particular circumstances. Case studies illustrating different types of approach are provided in Section 6, and further information about agreements, risk assessment, insurance and signs is available on DMBinS website.

- Removal of trails.
- Land manager adopting trails
- Volunteering agreements
- Agreements with constituted mountain bike groups.
- Land transfer agreements



Photo credit: Trev Worsey

Removal of unauthorised trails

The land manager is entitled to remove unauthorised trails and report suspected illegal activity to the police. Further guidance on the closure and removal of unauthorised trails is given in the Forestry Commission Practice Guide on *Wild trail & desire line guidance* (see footnote 6 on page 6).

Adoption of trails by land manager

This model is another option identified in the Forestry Commission Practice Guide on *Wild trail & desire line guidance*. It may be appropriate where the land manager is willing to take full responsibility for the trail. This is unlikely unless the location is considered suitable, and the trails are either of an appropriate standard or the land manager is willing and has financial support to invest in necessary trail improvement.

The following table highlights the benefits and challenges for mountain bikers and land managers under this model.

Mountain bikers		Land manager	
Benefits	Challenges	Benefits	Challenges
<ul style="list-style-type: none"> • access to trail(s) with no capital cost • no liability, except personal liability • trails will comply with good practice, reducing risk of injury to bikers or other users 	<ul style="list-style-type: none"> • no control, unless offered some say in development of the network • dependent on willingness of land manager to accept responsibility for funding and legal liability • may want continued development of increasingly demanding trails 	<ul style="list-style-type: none"> • long-term 'control' of trail network • strategic planning of trail network • opens dialogue with mountain bikers 	<ul style="list-style-type: none"> • costs of development and ongoing maintenance/monitoring • legal liability • development of risk assessments and method statements • limited opportunity to generate income from trail networks (need to secure a source of long-term revenue funding to sustain the trail network)

Volunteering agreements

Under this model, an agreement is developed following discussion between a land manager and mountain bike groups about options for volunteering on mountain bike trails. The agreement is likely to specify the role of mountain bikers in undertaking voluntary work to build, improve, monitor and repair trails. It should also explain how dialogue between mountain bikers and the land manager will continue through regular meetings on a specified timescale.

3. MODELS FOR ENGAGEMENT AND MANAGING TRAILS

The following table highlights potential benefits and challenges for mountain bikers and landowners/managers under this model.

Mountain bikers		Land manager	
Benefits	Challenges	Benefits	Challenges
<ul style="list-style-type: none"> • building capacity and credibility • opportunity to support the trail network, in agreement with the land manager • discussion about choosing appropriate locations from mountain bikers' perspective • opportunities to discuss use of trails for events and trail rotation with land manager • trails will comply with design standards, reducing risk of injury to bikers or other users 	<ul style="list-style-type: none"> • overall control remains with land manager • no long-term commitment, and trails may be removed • need to consider liability insurance in respect of work on trails • recruiting, training and managing volunteers willing and able to take on the work 	<ul style="list-style-type: none"> • engaging with mountain bikers can reduce pressure from unauthorised trail builders • voluntary work by mountain bikers can help in managing the trail(s) • retain control over trail development, which can be integrated into long-term land management plans and operational needs can make use of experience in volunteering agreements in (e.g.) footpath construction and maintenance 	<ul style="list-style-type: none"> • liability and insurance implications • time and resources needed to work with mountain bikers, especially where groups are informal and/or transitory • ensuring compliance with good practice on standards of design, construction, inspection and repair of trails

This approach has potential where land managers are willing to engage in discussions with mountain bikers about managing trails. Examples of this approach include Mild Peril and Trailfairies at Glentress Forest in Tweed Valley and Emmy's Bridge at Leanachan Forest near Fort William. Further details are given in Section 6 (Case studies).

Agreements with constituted mountain bike groups

Under this model, a land manager enters into an agreement with a mountain bike group, such as a trail association or club that is linked to DMBinS or Scottish Cycling, and has a governance structure, training provision, and insurance for trail work.

The agreement could take a variety of forms, depending on the aims and objectives of both parties, and would set out the details of the relationship, including roles, responsibilities and liabilities. This would include, for example, responsibilities for building trails, risk assessment, trail inspection, repair and decommissioning. It would also identify points of contact and set out processes for any joint decision-making (for example over strategic planning of the trail network). Depending on the degree of

commitment by both parties it is possible that the terms of agreement could be for a number of years, subject to satisfactory performance.

The following table highlights potential benefits and challenges for mountain bikers and land managers under this model. It should be noted, however, that the terms and timescales of individual agreements are likely to vary, depending upon circumstances.

Mountain bikers		Land manager	
Benefits	Challenges	Benefits	Challenges
<ul style="list-style-type: none"> • opportunity for strategic planning of trail networks across a local area • trails can be built with an expectation of remaining in place throughout an agreed time period • improved ability to raise funds for trails • responsibility for and control over trail repairs • trails will comply with design standards, reducing risk of injury to bikers or other users 	<ul style="list-style-type: none"> • need for long-term commitment • need for volunteers willing to put time into development and governance of the group • need for legal input on establishment of group • need to comply with technical guidance on good practice • time taken to build trust and negotiate an agreement with land manager • responsibility for risk assessments and trail inspections • need to secure agreed level of insurance cover for legal liability and for any land restoration bond 	<ul style="list-style-type: none"> • trails can be integrated into long-term land management plans • establishes a long-term engagement with mountain bike community, providing contacts which may help address the issue of unauthorised trail building 	<ul style="list-style-type: none"> • time and staff resource required to develop a relationship with mountain biking group • need for professional advice on extent to which there is still liability, and associated insurance requirements • resources to monitor and review standards of design, construction, inspection and repair • legacy management

Overall, this approach provides opportunities for developing a long-term sustainable model for trail development; for mountain bike groups to become organised to develop trail networks; and for joint working to help address the issue of unauthorised trail building. Discussions along these lines are currently taking place with the Tweed Valley Trails Association (TVTA) (see Section 6, Case studies).

Land transfer agreements

Under Part 5 of the *Community Empowerment (Scotland) Act 2015*, community bodies have a right to request ownership, lease or other rights over land held by all local authorities, Scottish Ministers and other public bodies where additional public benefit can be delivered/created. Such requests must be assessed in a transparent way against specified criteria. Community bodies can include ‘communities of interest’, such as properly constituted mountain bike groups, as well as geographical communities. (Different rules apply to private land – for example, private landowners cannot be forced to sell and the ‘community’ must be defined geographically.)

The following table highlights possible benefits and challenges under this model.

Mountain bikers		Land manager	
Benefits	Challenges	Benefits	Challenges
<ul style="list-style-type: none"> • opportunity to seek ways of securing income from the trails • long-term ‘control’ of trail network • strategic planning of trail network within that area • improved ability to raise funds for trails • develop own risk assessments and method statements 	<ul style="list-style-type: none"> • securing funding, especially in initial stages and long-term revenue funding • a long-term commitment and need for clear succession planning • need for high level of governance, legal support and technical guidance • time taken to secure rights and build trails • legal liability and requirement for insurance 	<ul style="list-style-type: none"> • payment for rights to land • no further legal liability (if sold); reduces legal liability (if leased) 	<ul style="list-style-type: none"> • loss of control over land • need to assess likely impact on other management activities

There is some experience with this approach, where mountain biking has featured as a component of asset transfers to geographical communities. For example, a facility has been built using this model at Alyth, Perthshire, where community ownership also extended to other assets including orchards and community gardens. In another case, the community group AimUp developed significant proposals for Innerleithen, but were unable to secure large-scale funding to realise their ambitions.



LIABILITY, RISK ASSESSMENT AND INSURANCE

4.

Liability

At common law, the owner of ground over which there exists a public right of way is under no obligation to maintain or repair the route. Under the *Land Reform (Scotland) Act 2003*, a landowner must respect the right of responsible access by responsible management and ownership and not interfere unreasonably with access rights, but the Act does not include any requirement to maintain an access route.

The *Occupiers' Liability (Scotland) Act 1960* is the key legislation relating to the duty of care that occupiers of property owe to visitors under civil law. It provides that an occupier of land (a person or body occupying or having control over land) is under a duty to take reasonable care to ensure that persons will not suffer injury or damage as a result of any dangers, due to the condition of their property. What is reasonable will depend on the individual facts and circumstances in any case, but liability is likely to arise where a land manager has allowed some form of danger through his own actions or inactions. The danger need not be something within the occupier's control, but if the pursuer can prove that the occupier was aware of it, or that they ought to have been aware of it, that it was reasonably foreseeable and that it would cause injury or damage, then the occupier will be liable. The general tenor of the considerable case law is that the occupier is unlikely to be liable for injury caused by any natural or obvious hazards to someone who is present on the ground in their own right (such as a responsible access user) or for risks willingly accepted by the visitor that are inherent in the activity they are undertaking on the land. An occupier must address what could be reasonably foreseen as a danger that could cause harm. Different people exercising different levels of control over the land could owe a duty of care at the same time and could be responsible for contributory negligence.

As the 1960 Act defines an occupier as a person or body occupying or having control over land, this would include tenants/lessees and mountain biking groups taking on responsibilities for trails that have been constructed on the land. All occupiers owe a duty of care to users of the land and must not be negligent in their actions/inactions. There is an established principle that those involved in site works have assumed liability, even if this is not set out formally in writing. Such parties would certainly be liable if their actions were shown to be negligent. There is also an established principle that a declaration of 'No Acceptance of Liability' does not absolve the party from claims relating to injury or death. Furthermore, a notice giving warning of dangers will not exclude liability even if it purports to do so, although it may assist in demonstrating the acceptance of risk by the access user. Even where a formal agreement places primary responsibility for the state of the route on, for example, a mountain bike group, any other parties with control over the surrounding land would still need to show reasonable

care in relation to any operations or activities (such as tree felling) that could affect the route and/or its users. Thus, in relation to a particular trail, a number of parties could be held liable if a case goes to court.

In the case of unauthorised trails that have been constructed, the occupier has a duty of care to ensure that the state of the premises does not cause injury/damage, and must therefore inspect the trail, determine whether it represents a hazard, particularly to other users who have not accepted the risk of mountain biking on the trail, and assess the risks in the specific circumstances. They need to decide what action is reasonable, and keep a record of decisions, the justification for such decisions and action taken.

The *Health and Safety at Work Act 1974* places duties on employers, and – in certain circumstances – the self-employed, to persons other than employees. Those who owe this duty to others include landowners, land managers, lessees, organisers of events and instructors. The duty is owed, for example, to all members of the public and people taking access to the countryside. The standard is one of reasonable practicability, and the duty arises out of the way in which the conduct of the undertaking might affect health or safety. Case law has shown that the courts will treat land managers more favourably if they have inspection systems in place which highlight potential hazards and which are followed up by planned maintenance/repair programmes¹⁰.

A breach of the *Health and Safety at Work Act 1974* and its subordinate regulations is a criminal matter that can lead to a fine and, in extreme cases, imprisonment. If a breach of statutory duty has directly led to an injury to person or property it could in addition give rise to a civil action for damages independently of any claim that might arise under the terms of the *Occupiers' Liability (Scotland) Act 1960*. There must, however, be a direct link between the breach and cause of the accident; the mere failure to carry out a risk assessment will not necessarily result in a civil claim.

Scottish Natural Heritage has recently updated *A Brief Guide to Occupiers' Legal Liabilities in Scotland in Relation to Public Outdoor Access*¹¹. In addition to outlining some of the statutory provisions that affect land managers or impose duties on them, it uses case law to provide examples of precautions that should be considered by landowners and land managers. These examples relate to the fencing of hazards; signs and notices on hazards; inspections, appropriate systems for dealing with dangers and occupiers' knowledge; children and risks; animals, livestock and stock fencing; injury while using access rights; and voluntary acceptance of risks.

Risk assessment

To assist in delivering their duty of care, land managers are advised to undertake risk assessments to identify potential hazards and the actions required to control the risk of

10. Further guidance is provided in the *Management of Health and Safety at Work Regulations 1999* and *The Health and Safety at Work etc. Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2015*.

11. See https://www.outdooraccess-scotland.scot/sites/soac/files//docs/occupiers_liability_4_jan_2018_a2486085_a2601522_0.pdf

injury to people taking access. A risk assessment is a careful examination of an activity to understand what might cause harm to people. Risk assessments will guide how often to inspect the potential hazards, and the management/maintenance required. Risk assessment helps with risk management by identifying effective precautions or control measures to prevent people being harmed, and who is responsible for implementation and monitoring of control measures.

Risk assessment and risk management are required by law. They are a key principle related to duties imposed on employers or self-employed people not to place 'persons other than employees' at risk through the undertaking of their work under the health and safety legislation.

Thus, land managers and formally constituted mountain bike groups need to consider their duty of care, the standard of care, potential causes of injury or damage and responsibility for risk and put in place risk assessments/inspection regimes.

Managing Visitor Safety in the Countryside (2003, revised 2012)¹² is a useful guide published by the Visitor Safety in the Countryside Group and endorsed by the Health and Safety Executive. The 'Guiding Principles' in this document include a risk control matrix that identifies the level of visitor skill and personal responsibility expected and the standard of hazard management that should be considered by land managers, depending on circumstances.

Insurance

Typically, the public liability section of an insurance policy for a land holding will indemnify the policy holder for claims that they are legally liable to pay as damages arising from accidental injury. However, insurers should be notified about the presence of mountain bike trails that have been constructed on the property. It is likely that the insurer would take account of the presence, use and management of mountain bike trails when determining the insurance premium, and would expect risk assessments to be undertaken.

Mountain bike groups also need to discuss insurance requirements with their insurers. An organised group/association/club which carries out work on trails should consider an appropriate level of insurance cover for public liability and employer's liability that they may face in respect of claims.

In addition, individual mountain bikers should consider the need for personal liability cover which can be accessed through governing body membership or, perhaps, through a household insurance policy. This would help insure them in respect of any injury they may cause to others while cycling.

Further information on insurance and associated risk assessment requirements are available on the DMBinS website.

12. Available for purchase – see <http://vscg.org/publications/managing-visitor-safety-in-the-countryside>



PLANNING AND OUTLINE BUILDING GUIDELINES FOR THE CONSTRUCTION OF LOW-IMPACT TRAILS

5.

Factors for deciding on an appropriate location

When mountain bikers and landowners work together to develop new low-impact mountain bike trails, both sides can have input to ensure the best and most sustainable locations are found. When deciding on an acceptable location, they should consider impact on other users, environmental implications and the possible need for planning permission.

Impact on other users

All groups should identify and take full account of paths and tracks that are regularly used by other users, such as walkers and horse riders. To help avoid conflict with the interests of other users, a trail intended for mountain biking should wherever possible be located where it does not cross existing paths. If the mountain bike trail must cross or merge with other existing trails, appropriate mitigating trail design will be necessary. To help identify paths and tracks used by others, reference should be made to the local guides, and to the map of core paths that have been designated by local authorities¹³.

All mountain bike photography in this section, credit: Trev Warsey



13. Available at <https://www.nature.scot/enjoying-outdoors/places-visit/routes-explore/local-path-networks>



It may be helpful to consider zoning the sites as demonstrated through the Holyrood Park case study in the 'Guiding Principles' section of the Visitor Safety in the Countryside Group's *Managing Visitor Safety in the Countryside* (2003, revised 2012)¹⁴. This approach will require discussion between land managers and all relevant user groups.

Environmental Considerations

Everyone has a responsibility to ensure that their actions do not cause unnecessary harm to the environment. For low-impact mountain bike trails, this means checking whether a proposed route is on a designated site and, even if it is not, considering whether there are any other sensitive features or interests that need to be protected.

Information is readily available for designated sites¹⁵. If a designated site is present, Scottish Natural Heritage (SNH) or Historic Environment Scotland can advise about the best routes and any sensitivities¹⁶. The main national designations – Sites of Special Scientific Interest (SSSIs), National Parks, National Nature Reserves (NNRs), National Scenic Areas (NSAs), scheduled monuments and listing in the Inventory of Gardens and Designed Landscapes – are based on formal statutory procedures, which give special management or protection to important areas. Designation usually means that the landowner needs to obtain consent from, or reach agreement with, as relevant, the Planning Authority, SNH and/or Historic Environment Scotland about proposals

14. Available for purchase – see <http://vscg.org/publications/managing-visitor-safety-in-the-countryside>

15. See <https://map.environment.gov.scot/sewebmap/>. Zoom in and click on SSSI, SAC and SPA.

16. Contact details available at <https://www.nature.scot/about-snh/contact-us> for natural heritage sites and at <https://www.historicenvironment.scot/about-us/contact-us> for cultural heritage sites.

for change to, or management of, the land. National designations are sometimes overlain by others originating from the EU or international treaties, for example Special Protected Areas (SPAs), Special Areas of Conservation (SACs) and World Heritage Sites, in recognition that a given site has importance beyond Scotland.

For sites which are not designated there still may be conflicts and these may be hard to identify without further consultation. Typical examples of sensitive features include protected animal species, such as badgers and nesting raptors (where disturbance can lead to legal proceedings) or sensitive habitats, like wet ground with mosses, or rare plants such as orchids. Consultation with local stakeholders, as well as land managers, can help minimise the risk of not identifying any issues.

Where sensitive areas are identified, routes should be planned to avoid damage or disturbance.

Planning permission

Before any trail development, the Local Authority Planning Department should be approached and asked to provide early guidance on the possible need for planning permission. Doing this at an early stage can help to identify unforeseen conflicts or issues. It may be helpful to approach the planning department through the Local Authority Access Officer.

In a planning context, development can be defined as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. If this is the case, regardless of the tools used, then the Planning Authority should be approached so that it can decide about the need for planning permission.





When communicating with the Planning Department it should be made clear the trail is intended to be low impact, explaining that the level of construction will be minimal (using hand tools only), and giving an indication of when a temporary trail is expected to return to its natural condition. It may also be helpful to provide photographs showing what the route looks like before any work is carried out, to annotate the site photographs to show the proposed changes, and to provide photographs of similar routes after works have been completed.

Land management operations

When planning trails, land management operations should be considered through discussions between the land manager and mountain bike group. The following sections consider some examples of land management operations that may conflict with trails, namely clear-felling of timber, tree thinning operations and some farming practices. Section 4 of this guide provides further information on the duty of care placed upon occupiers of property, and the need for employers (and the self-employed) to ensure, so far as is reasonably practicable, that their work does not affect the health and safety of others.

Clear-felling timber

Many forests in Scotland have been planted with the primary purpose of timber production, and this is important for all those whose livelihoods depend upon the forest and wood processing industries. However, it is extremely hard to prevent significant damage to trails during clear-felling operations. To avoid conflict, there is a need for good communication between land managers and mountain bike groups about clear-felling plans. For further information see the Forestry Commission Scotland Practice Note *Managing woodland access and forest operations in Scotland*.

The design of new trails should take account of the timeframe for clear-felling, and fit around it. One option may be to avoid areas due to be clear-felled within, say, the next 5 years; another option may be to build trails in these areas in the knowledge that the lifespan of the trail will be very limited.

From the outset, all parties should be clear about the expected lifespan of a trail. The mountain bike group should take responsibility for communicating this message to riders so that they respect the felling operations and accept the closure of the trail. When trails are closed efforts should also be made to remove their details from social media sites (e.g. Trailforks).

There may be opportunities for designing in trails as part of the restocking plan.

Tree thinning operations

Thinning operations are often necessary to increase the volume of large timber that will be produced from a forest, and so enhance its value to the sawmilling industry.

When planning low-impact trails the timings of these thinning operations should be taken into account, as machinery access for thinning may damage the trails and require temporary closure during operations. Good communications are again important, with the land manager providing information about the expected timing and impact of thinning, and mountain bike groups helping to communicate with riders about the planned operations and their responsibility not to interfere with the operations.



Farming

Trails that access, cross or exit from farmland must respect the farming business and avoid adverse impact on livestock or crops. Trail riders should only make use of routes that are acceptable to the land manager. Mountain bike groups should remind riders about the principles of the Scottish Outdoor Access Code, and should actively encourage riders to behave in a way that does not disturb crops, grazing land or livestock.

Trail construction considerations

In constructing low-impact trails, particular consideration should be given to site-related factors, such as soils and drainage, trail entry and exit points, fall zones, tree brushing, the relationship of the fall line to the contour trail, acceptable and non-acceptable materials, and maintenance.

Soils and drainage

In planning the construction of a low-impact trail the ground conditions should be considered across the full length of the proposed trail. Low-impact trails are most durable when they are built on soils with good natural drainage or rock nearer the surface. This needs to be assessed on the ground, although soil maps can also help. Water management should be considered in the construction of the trail. Water is the single biggest impact on the durability of trails in Scotland. Poor management of surface water flow will lead to it running down the trails causing erosion. Such erosion increases maintenance requirements and if this is not undertaken then dangerous and unexpected deep ruts can form. Grade reversals and effective frequent drainage points



can mitigate this problem. Points in the trail without an outflow, where water can sit and form puddles, are likely to force riders to ride around the water, leading to the trail becoming wider and wider ('braiding'). There are a variety of trail building techniques that can mitigate against trail braiding¹⁷.

Trail entry points

It is likely that mountain bikers will gather at the entry points to trails before descending in a group. When creating a trail, the entry should have good sight lines, so that both the riders and any land management vehicles can avoid each other.

Entry points should not be on blind corners, sudden rises or on dangerous roads. The concept of a trail qualifier is an easily visible section at the start that contains the most technical level of riding for that trail. This will discourage less experienced riders from getting deeper into the trail and being caught by surprise when further from help. Steepness of terrain and levels of visibility may restrict the sensible use of a qualifier suitably near the entry point.



17. For more information on mountain bike trail building techniques see Trail Solutions: *IMBA's Guide to Building Sweet Singletrack* <https://www.imba.com/resource/trail-solutions>

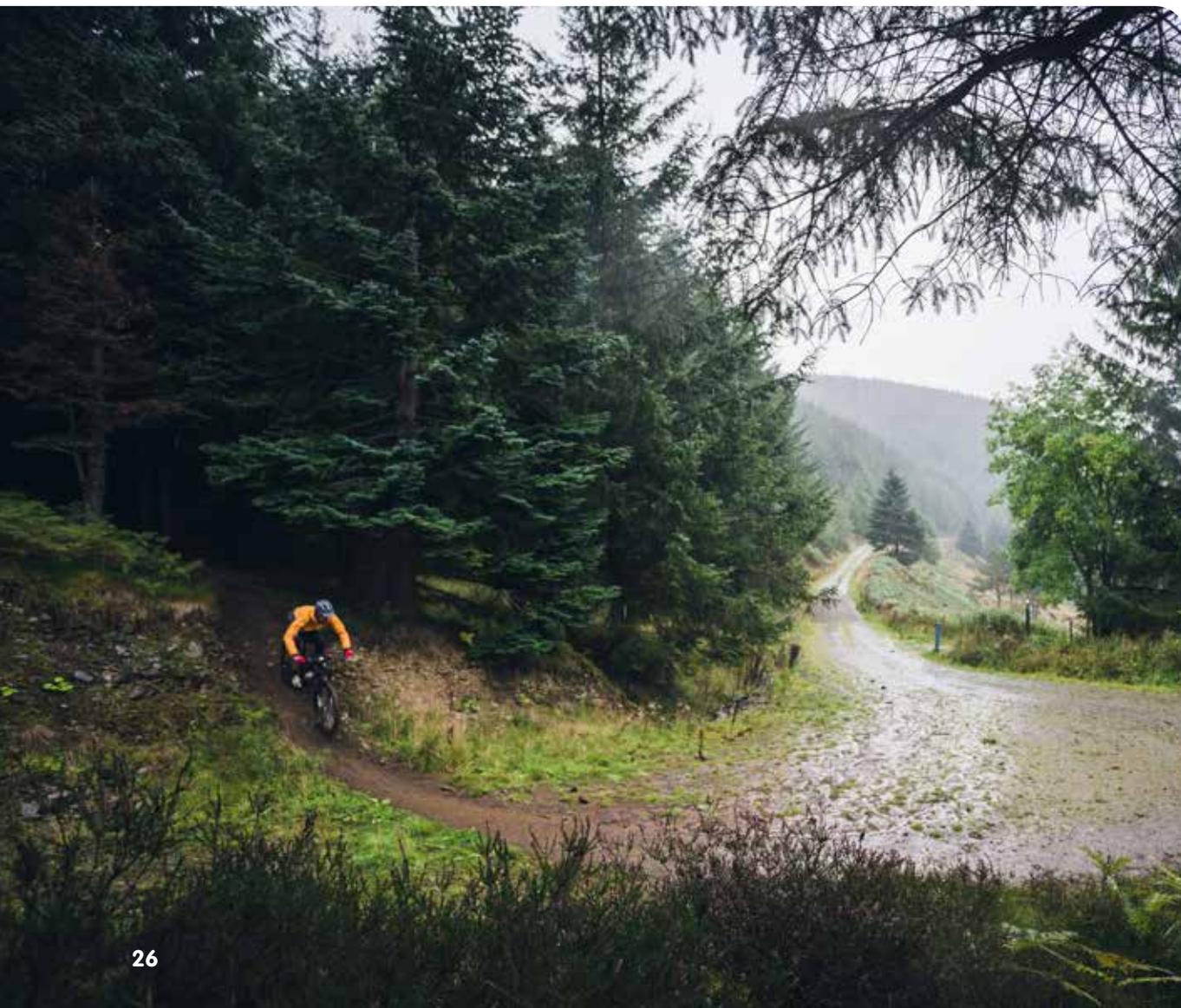
Trail exit points

Trail exits are, potentially, the most dangerous part of the trail and they require particularly careful planning. A good exit point will have the following features:

- Clear early sight lines for the rider to be able to check whether there are other users or vehicles at the exit
- Exit to an upslope to slow riders down as soon as possible.
- Features such as an enforced chicane with good visibility before the exit descent to slow riders.
- Where MTB trails have to merge they can run parallel to give riders the chance to scope the junction.

An exit point must never:

- Have poor sight lines on the trail – blocked by slopes, trees or other features.
- Be onto a road with fast-moving traffic – this is potentially life-threatening.
- Be on a blind corner.
- Allow riders to maintain full speed and be fully committed before viewing the exit.





Fall zones

When constructing the trail consider the points where there is potential for a rider to fall and clear tree stumps, branches, stones and any other material near the trail which may injure a rider if they were to leave the trail.

Riding through trees should be seen as a benefit to the rider experience and so trees do not need to be removed when considering fall zones.

Tree brashing

Tree brashing is the removal of side branches from trees. This may be necessary where the branches go across or interfere with the trail. Brashing should be carried out using purpose-made pruning saws (not chainsaws). Cuts should be flush with the stem.



Fall line vs contour trail

The International Mountain Biking Association (IMBA) guidelines for trails strongly favour contour trails as they provide an enjoyable ride for most mountain bikers and they can shed water from the trail more easily than fall-line trails. Although a contour trail requires more work and greater ground disturbance to ensure an adequate bench is created, this initial extra work is normally offset by lower ongoing maintenance for the trail. On the other hand, a fall-line trail requires less construction effort but is open to water erosion and in softer soils it can quickly become unstable and even dangerous if not regularly maintained.

As the sport progresses and bikes improve, an increasing number of riders prefer the steepness and technicality of a fall-line trail (and this has helped fuel unauthorised trail building). Therefore, there is likely to be a demand for incorporating fall-line sections into trails, where the soil is stable – but recognising the need for good drainage, including regular grade reversals and off-camber sections, and additional maintenance. There may be opportunities to create a temporary trail with mostly fall-line sections on softer ground in areas of forest that are due to be clear-felled.

Materials – acceptable vs not acceptable

Discussions with land managers should include identification of acceptable and non-acceptable materials.

In constructing low-impact trails using hand tools it is expected that stone or soil will normally be sourced on site. If additional material is needed, for example to fill in a small boggy section of trail, it may be possible to use a borrow pit nearby, although care would be required to ensure that the borrow pit does not itself become a hazard by being too close to the trail.

It is not acceptable to use wood or trees to create berms or jumps. These will rot quickly and will quickly become dangerous to riders.

Any use of boardwalk and other features using timber construction will come under the *Construction (Design and Management) Regulations (CDM) 2015* and will need to be built by a qualified and competent person. In general, the greater the number of features along a trail, the greater the likelihood of requiring planning permission and a building warrant.

Inspecting and maintaining trails

The number of inspections on a trail will depend on its level of use and should be considered as part of the risk assessment process (see Section 4 of this guide). At a minimum, there should be an annual inspection. Some trails may require (for example) monthly inspections in the summer months, but less frequent quarterly inspections in winter months. In determining the frequency of inspections, considerations should include the remoteness of the location (the less remote the location, the more frequent



the inspection) and the level of experience of users (the less experienced the users, the more frequent the inspection).

The inspection should identify any maintenance requirements along the trail and the urgency of the repairs. Such maintenance may often include clearing drainage channels to allow water to be displaced, tree brushing, removing deep ruts, smoothing of deep braking bumps and clearing of storm debris.

Training and more information

Training courses

Maintaining trails is critical to their continued safe and enjoyable use. Cycling UK's Volunteer Trail Repair Coordinator (VTRC) course provides the knowledge and skills to keep trails up to specification, manage groups on dig days and liaise with and satisfy land managers' requirements. The course has been developed with a number of partners including Developing Mountain Biking in Scotland (DMBinS) and the Forestry Commission Scotland. These partnerships have enabled the course to benefit from best practice across the mountain bike trail build sector. The course focuses on repairing mountain bike trails, which is seen as an essential role of volunteer groups. It is designed for those maintaining a broad range of trails from wild trails to trail centre trails, bike parks and urban pocket parks.

The one-day course covers everything from liaising with the land manager to recruiting volunteers to assist with the repair of mountain bike trails. It also ensures that volunteers understand the legal and moral obligations and that all necessary paperwork and training are up to date and that records of work carried out are kept in order.

There is also a Trail Inspection Course, which provides training on protocols and best practice techniques needed to undertake, record and verify trail checks of marked and wild trails. The course includes:



- Why trail check? An understanding of responsibilities and litigation
- Recording protocols, tools and techniques
- Creating a trail checking rota
- What to look for on the trail: corridor; surfacing; visibility; signage
- Identifying locations
- Management and verification requirements

Further details of courses and dates are available at <http://www.dmbins.com/>.

More information and further reading

sportscotland's *Guide to Project Development for Mountain Bike Trails and Training Facilities* outlines the key stages involved in building a purpose-built trail or facility¹⁸. It follows the project planning phases advocated by the Royal Institute of British Architects' Plan of Work, and aims to support clubs, community groups, businesses and local authorities who wish to develop purpose-built mountain bike trails requiring a high level of construction to create a professionally built engineered trail.

For more information on building paths and trails, particularly in upland or poor soil conditions, visit the Paths for All Upland Path Advisory Group information website¹⁹.

Other relevant publications include:

- *Outdoor Access Design Guide* (2016), produced by SNH and Paths for All²⁰
- IMBA publications such as *Trail Solutions*²¹:

18. See <https://sportscotland.org.uk/media-imported/1612545/guide-to-project-development-mtb-facilities.pdf>

19. See <https://www.pathsforall.org.uk/satin/technical-information/upland-paths.html>

20. See <https://www.pathsforall.org.uk/pfa/creating-paths/outdoor-access-design-guide.html>

21. See <https://www.imba.com/resource/trail-solutions>



CASE STUDIES

6.

The following case studies illustrate a variety of approaches that have been taken in relation to engagement between land managers and mountain bikers. Some of the management models relate closely to those described in Section 3 of this guidance, but the case studies also demonstrate that these models represent different points on a spectrum and that it is necessary to tailor solutions to particular circumstances.

Sutherland Estate – Wildcat Trails

Overview

Sutherland Estate, north of Inverness, is associated with traditional activities such as crofting, field sports, forestry and holiday cottages and is the home of Dunrobin Castle. However, increased mountain biking and leisure activity following the *Land Reform (Scotland) Act 2003* and the introduction of the Scottish Outdoor Access Code led to the formation of a community company to develop this resource and reduce potential conflicts of use on traditional walking routes on the estate.

The estate initiated the grant process by preparing a Recreation Management Plan (funded by the Scottish Forestry Grants Scheme, SFGS) and held a public consultation on the proposal for improving access and for a new purpose-built mountain biking facility.

Following approval of the plan and further public meetings, a community company (limited by guarantee) called Highland Wildcat was created in 2005 to take the project forward. Highland Wildcat progressed the funding applications to create clearly waymarked routes, grades for all abilities, parking, interpretation and spectacular viewpoints.

The company's main achievement to date has been the completion of a 20-kilometre trail network based on Ben Bhraggie. These trails are designed primarily, but not exclusively, for mountain biking and were funded predominantly by the SFGS supplemented a European development grant.

This achieved the aim of both the landowner and the mountain biking group to focus users in certain areas, while assisting user navigation and avoiding sites where there was potential conflict with commercial activity.

The community company continues to exist 10 years on and has renewed its lease with the estate. The lease allocates both responsibility and liability.

Wildcat Trails



Challenges

- It was a challenge to get the amount of capital funding required (nearly £600,000). The estate was instrumental in taking the project forward, together with Scottish Woodlands who managed the estate's forestry.
- To ensure as far as possible that the estate was not exposed to public liability claims, a professional trail builder was employed from the outset to develop the routes to the highest standard.
- A trail manager was employed on a part-time basis during the first 5 years of operation, while volunteers were trained to undertake the role. The main duties of trail management include weekly inspections of the trails and obstacles, keeping written inspection records and organising maintenance as required.
- There are ongoing costs to Highland Wildcat to maintain public liability insurance, and produce promotional and information media, as well as the cost of work to maintain the routes themselves. Income is via three parking ticket machines in car parks and occasional grants for specific items of work.

Key learning points

- A series of public meetings was key to engaging the local and wider community. The funding depended on widespread community support and also the participation of the estate and its farm tenant in the leasing of the recreation corridors and parking areas.
- A structured and constituted group, undertaking works via a legal lease with the landowner and achieving ongoing maintenance/development by engaging with and managing local volunteers, is a sustainable structure for the future.
- A 10-year lease can be essential for grant funding, if it is not the landowner that is undertaking the works.

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An estate in the Cairngorms National Park

Overview

The estate featured in this case study is located next to a popular outdoor town in the Cairngorms National Park. Due to the sensitive nature of the area the estate has requested that the site be anonymised.

The Cairngorms National Park covers an area of 4,528 square kilometres in Aberdeenshire, Moray, Highland, Angus and Perth and Kinross. Almost half of the National Park is designated within the Natura 2000 network as being of European importance for specific nature conservation features. These range from river systems to forests, to moorland and the highest arctic-like summits, and from species such as wildcat and otter to golden eagle and capercaillie.

The Cairngorms National Park boasts a huge range of biking trails to suit all ages and fitness levels, from leisurely outings on wide trails that are easily accessible from villages and towns to challenging routes that take in more wild and rugged terrain.

As mountain biking continues to increase in popularity, particularly within the National Park, a growing number of estates located within the park are encountering problems relating to unauthorised trail building with the discovery of engineered tracks and structures developed without consent. This has led to an increase in reports from landowners/land managers expressing concern over the impact of unregulated or unapproved trail building on both biodiversity and safety grounds.

In recent times local mountain bikers have constructed a network of trails across woodland in the estate. The woodland in question has protected wildlife (capercaillie) and is located close to a protected area.

In addition to the impact on wildlife, the estate was also concerned about the risk of injury to people using the area as some parts of the unauthorised trails that have been constructed are in forests with upcoming woodland management operations. Timber harvesting operations involve large machines and vehicles, which fell the trees and carry the logs. The *Health and Safety at Work Act 1974* places a duty on employers (and the self-employed) to ensure, so far as is reasonably practicable, that their work does not affect the health and safety of others.

Supported by Scottish Natural Heritage, the estate engaged with the local mountain bike community to raise awareness of the environmental impacts of unregulated trail development and possible disturbance of wildlife at certain times of the year. The communication was realistic and measured and the estate felt there had been an improvement in the understanding of the issues and a genuine and positive attempt by the biking community to address these concerns.



Photo credit: Brodie Hood



Cairngorms National Park

Challenges

- Identifying and contacting the individuals responsible for building the trails was initially difficult.
- The matter is very sensitive, primarily because of the impact on capercaillie, and there was concern that sharing the location of this illegal activity could encourage more visitors to the area.

Key learning points

- Due to the location of this site, which is known by the mountain biking community, there is a need for communication to remain ongoing, with periodic meetings to exchange information and provide feedback between the estate and local mountain biking representatives.

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Photo credit: Brodie Hood

Dell Woods National Nature Reserve

Overview

Dell Woods National Nature Reserve (NNR) covers 375 hectares of native pinewood on the outskirts of the village of Nethy Bridge, 18 kilometres northeast of Aviemore in Badenoch and Strathspey. The reserve is part of Abernethy Forest Site of Special Scientific Interest the largest remnant of the ancient native pinewoods that once covered the foothills of the Cairngorms.

Dell Woods NNR is typical of a Caledonian pine forest; it is open mosaic woodland where Scots pine is the dominant species. As glaciers retreated at the end of the last ice age, they deposited a layer of debris across this area. This created a landscape of free-draining dry hummocks and wet, poorly drained hollows. It is this drainage pattern which creates the rich and diverse woodland found at Dell. The Scots pine and other trees favour the drier hummocky conditions and in the wet hollows bog woodland and bog develop.

Of the 375 hectares of the reserve, 267 hectares are owned by Scottish Natural Heritage (SNH) and 108 hectares are leased from the Royal Society for the Protection of Birds (RSPB), who own much of the adjoining forest.

Dell Wood NNR is also included within three sites designated under European legislation known as Natura 2000, reflecting the site's international importance. These three sites are the Abernethy Forest Special Protection Area, the Cairngorms Special Area of Conservation (SAC) and the River Spey SAC in the National Park.

On a site visit in April 2018 a newly constructed unauthorised mountain bike trail was discovered.

Challenges

- It has been difficult to gain contact with the individuals who built the trail directly. All contact has been through a local bike shop.
- These individuals claim that they were unaware that Dell Woods was a designated site.
- Since indirect contact has been made further construction and use of the trail has stopped.
- Signage has been put out with SNH contact details in the hope of engaging with the users – no direct contact has been made.
- Unfortunately SNH is not in a position to offer the users an alternative area on its land to construct mountain bike trails.



Dell Woods

Key learning points

- We are still in the early days of the situation. Some restoration will be required to return the site to its previous condition.
- Not being able to establish direct dialogue and contact with the users has been a problem and disappointing.
- Liaising with the Cairngorms National Park Authority and Forestry Commission Scotland for advice has been very beneficial.
- Carrying out regular site visits to monitor and have a presence on site will be essential going forward.

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Emmy's Bridge on the Blue Crane trail

Overview

The Blue Crane is a feature trail that was created early in the 2000s at Nevis Range, Fort William. It formed part of the original Witch's Trail, which was an integral part of the cross-country world championship course in 2007. In recent years there had been limited maintenance of the Blue Crane trail and the crucial link bridge had deteriorated to such an extent that it had to be removed, thus rendering the trail unrideable and effectively useless. The closing of the trail was seen as a great shame, and a project was set up to try to replace the bridge.

The new bridge, which was completed in February 2017, is known as Emmy's Bridge in memory of Emmy Donaldson, a lady who had great connections to No Fuss, the West Highland Wheelers and Nevis Range (and supplied the original artwork to Forestry Commission Scotland for the Witch's Trail) who died in October 2016 aged 52. Following its completion, further trail repair days have now seen the trail formally adopted back in to the trail network.



Challenges

The cost implications of the bridge replacement were significant. The West Highland Wheelers cycle club, who were leading the project, had some funds but it was going to take much more. The club approached a collaboration of No Fuss Events and Nevis Range, and an agreement was brought together to underwrite the costs of the project to £7,500. This figure would only cover the materials and specialists required to complete the project. The design and manual labour for the bridge was all done voluntarily.

Key learning points

- Now the trail is formally adopted back into the Nevis Range trail network it can be used by No Fuss Events (e.g. in the Tour de Ben Nevis) and is a challenging trail for the West Highland Wheelers to use for training and club events.
- The bridge construction was a huge step forward in partnership working with Forestry Commission Scotland. All the partners worked closely together to ensure design specification, building and construction compliance and environmental concerns were addressed throughout the process of the build by volunteers.
- The ongoing collaboration with private and business partners and working with the land manager will help improve and maintain the local network and keep Fort William as an iconic and world-class mountain bike destination.

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Mauldslie and Brownlee Woods

Mauldslie and Brownlee Woods

Overview

Mauldslie and Brownlee Woods, which together cover 30 hectares, lie on the banks of the River Clyde on the periphery of the Greater Glasgow conurbation and are within easy access of a number of settlements. The woods are part of the Clyde Valley Woodlands National Nature Reserve (NNR) and are owned by South Lanarkshire Council. The area has a network of access routes including the Clyde Walkway, one of 'Scotland's Great Trails', and the woodlands are a popular recreational destination.

During the Council's ranger service regular patrolling an increase in the amount of informal mountain bike activity taking place in the woodlands has been noticed, which has included constructing structures and building trails. There has been an increase in public concern over the impact of unregulated or unapproved trail building on both biodiversity and safety grounds. Scottish Natural Heritage has also expressed concern on the impact of this activity on the NNR.

The Council's ranger service has engaged with mountain bike users and other stakeholders in order to regularise and better manage this activity.

Challenges

- Because of the informal nature of the group of individuals involved in building and using the trails it was initially difficult to establish contact. However, through regular patrolling of the site by the ranger service and using site notices seeking contact information, dialogue was established with a small number of key individuals. Most riders are now members of a Facebook group.
- The lack of a formally constituted group places limits on the funding it can attract and what it can achieve.
- Guidance from the Forestry Commission Scotland and others suggests that using engagement techniques with stakeholders to address issues of common interest and concern is the most effective and sustainable approach. With the public sector contracting it can be challenging to consistently commit the necessary staff and other resources to maintain the level of support required for this activity.
- The Council's corporate risk management and litigation services have adopted a precautionary approach to trail development and management.
- There have been 'incidents' of conflict between trail and other users, a small number of which have required police intervention.
- Balancing the various interests and objectives associated with the woodlands remains an ongoing issue.



Key learning points

- Given the loose nature of the group, the use of social media tools has proved valuable in initially establishing contact and subsequently maintaining communication links with the individuals involved.
- On-site trail maintenance sessions and the use of drop-in events to discuss issues have been essential to help coalesce and strengthen commitment towards working to a set of common objectives and to encourage responsible mountain biking and improve understanding of the multi-functionality of the NNR.
- Involving group members in maintaining, quantifying and mapping agreed routes has led to an improved sense of cohesion within the group and between it and the Council.
- Providing training in route maintenance and inspection has helped establish an effective relationship with the group.
- Providing information on upcoming woodland management operations and changes to/impact on trails has helped reduce conflict.
- Experience gained can be applied to other Council-owned sites facing similar issues.



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Mild Peril

Mild Peril, Glentress

Overview

The Mild Peril mountain bike trail was founded following conversations between Forest Enterprise Scotland (FES), Glentress Trailfairies and TweedLove, who shared a desire to build a new kind of trail at Glentress Forest in Peebles. The aim was to create a popular link on the pre-existing black grade route that would also form an important trail for exciting event use in the future. The project was challenging, ambitious and difficult to achieve under normal circumstances due to funding and resource constraints.

Challenges

This was the first time there has been a large and broad community engagement to create and build a trail in Glentress. It was the third official collaboration between the local bike community, the Glentress Trailfairies, FES and TweedLove. The public were invited to attend various trail-building sessions under the guidance and supervision of FES staff, and normal Saturday morning trail sessions were augmented by evening sessions – allowing a completely new set of volunteers to take part. Most of this volunteer recruitment was done by TweedLove and it led to a community buy-in and very positive reaction to the scheme. For the first time, many riders felt they had an opportunity to contribute to the trail network, and many embraced the opportunity.

Key learning points

- Over 100 individuals locally and from further afield came together to work on the project, with new trail volunteers joining long-standing and experienced builders to create a unique, world-class trail section. The success was such that this is the first time a partly volunteer-built trail has been officially graded and recognised within the official trail network in the Tweed Valley.
- The excellent results of the project also proved this model for trail building and maintenance has a strong part to play in the future.
- In terms of tourism, the new trail led to thousands of social media posts and video content, attracting riders to visit the new trail. It was also a highlight section of the TweedLove International Enduro race.

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Glentress Trailfairies

Overview

When Forest Enterprise Scotland (FES) was planning, managing and constructing the 400 kilometres of 7stanes trails spanning the south of Scotland in the early 2000s, it recognised this was going to be a major commitment both in terms of FES cash obtained from car parks and labour resource to maintain the global superstar status given to 7stanes by the International Mountain Bicycling Association at that time. Therefore FES opened up an opportunity to the public to volunteer on the mountain bike trails.

Challenges

This was the first time the FES had invited the riding community and the general public to help landowners maintain the trails. People were invited to attend various trail-building sessions under the guidance and supervision of FES staff. The sessions at Glentress were on Saturday mornings from 9am to 1pm and continued throughout the year on a fortnightly basis. The name Trailfairies was agreed on by the volunteers as they liked the thought that (like fairies) they undertook maintenance, repairs, improvements and some new trail construction which was not generally seen by the trail users but the riders appreciated their efforts in improving the trails.

Key learning points

- This volunteering opportunity has attracted all age groups from under 12 (accompanied by an adult) to veteran riders. Over 500 volunteer hours per year of work on the trails are typically achieved.
- The dedication of FES staff and the Trailfairies group members proved the strength of this model for trail building and maintenance.
- Trailfairies have also helped FES to work with event organisers to develop new trails for signature events. This was evident in the Enduro World Series in 2014 in the Tweed Valley, which received rave reviews and whetted the appetite for riders for more Enduro style trails.
- Trailfairies were not only renowned for great trails but also for their baking skills! Enthusiasm for trail work increased with the opportunity to eat good cake and coffee while on the hill.



Photo credit: DMBinS



Glentress Trailfairies

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Tweed Valley Trails Association

Tweed Valley Trails Association

Overview

The Tweed Valley Trails Association (TVTA) is a community-led charity dedicated to the stewardship and development of the Tweed Valley mountain bike trail network and advocates on behalf of its users.

It plans to facilitate an independent voice for mountain bike trail users, promote a culture of responsible stewardship of the trail network and generate funds to put back into the trails and community.

The charity aims to manage trail improvement and maintenance in partnership with local land managers.

Challenges

- After an initial few meetings the TVTA decided to set up as a community-led charity and formed a skeleton committee to achieve this status. Once charitable status was confirmed the TVTA undertook a fair and open process of selecting a full committee to drive the association forward.
- TVTA is seeking a memorandum of understanding (MOU) with Forest Enterprise Scotland (FES) to support the management of a select few popular trails, which were initially built without FES permission. The model of a landowner working with a trail association is new to both parties and requires careful consideration.
- While the MOU is being completed the TVTA has supported several dig days ran by FES, including Take Care of Your Trails weekend sessions which attracted over 75 volunteers. The TVTA has reached agreement with a private estate to maintain and upgrade sections of a route which is popular with mountain bikers and walkers.
- The TVTA has had considerable support from Developing Mountain Biking in Scotland (DMBinS), through the DMBinS regional co-ordinator. The co-ordinator has been able to use funding from Scottish Borders Leader and Scottish Enterprise to train volunteers in managing groups and trail inspection, and to buy tools and protective clothing, and cover insurance and first aid training costs.



Key learning points

- Creating a new model of working between a landowner and a mountain biking group requires commitment by both parties. Once the association has agreed the MOU it should pave the way for similar agreements across the country.
- There has been a fantastic wave of support from the mountain bike community and the volunteer board has a range of expertise and competencies which should enable the charity to be self-sustaining and successful into the future.
- The charity has benefited from support from DMBinS and without similar support it may be challenging for groups across the country to secure the necessary resources to train volunteers, obtain appropriate and safe equipment, and cover the insurance costs.



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Tweed Valley Trails Association





Confusion can arise when different people use the same terms to mean different things. The purpose of this Glossary is to define a number of commonly used terms. It should also be noted that other terms that are not defined here (such as “sanctioned” or “unsanctioned” or “wild” or “illegal” trails) should be avoided as they do not have a commonly accepted meaning.

Desire line – a desire line is a trail which has been developed through repeated use, but with no construction or vegetation management activity. While aspects of this guidance may usefully be applied to help manage desire lines, its primary aim is to help landowners/ managers work together on trails which have undergone construction.

Low-impact trail – a trail which is constructed with minimal use of imported materials, minimal environmental damage, minimal disturbance to other users and at a low cost. If the trail was closed it would be likely to return to its natural state within a year or so. As these are shared-use routes, mountain bikers should be ready to give way to other users such as walkers and horse riders on these trails.

Purpose built mountain bike trail – a trail which has been purpose built for mountain biking, probably involving a local authority planning process, construction using machinery and building to a clearly-defined specification. If the trail was closed it would probably require physical removal to return to its previous state. Such a trail will withstand regular and frequent usage. There should be signs warning other users that this is a mountain bike trail and asking them to give priority to mountain bikes.

Unauthorised trails – trails and associated structures built using hand tools or mechanical equipment and without the consent of the land manager. Construction activity may include vegetation management (such as removing branches from trees), digging and the building of structures in timber or other material.

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Further information

If you would like further information about the guidance contained within this document, please email NAFsec@nature.scot.