

Enduro Mountain Biking Activity

Purpose

1. The attached briefing paper provides information on Enduro mountain biking, and its impact on land managers due to (1) construction of “wild trails’ throughout Scotland and (2) management of Enduro events and their legacy.

Action

2. **Members are invited to consider and discuss this paper and its recommendations.**

Background

3. Members have at recent meetings noted issues around Enduro mountain biking and continued construction of wild trails without land managers permission or consent.
4. The paper summarises findings from an internal review of Enduro mountain biking activity on Scotland’s National Forest Estate combined with experience from Scottish Land and Estates.
5. This paper provides a summary of existing published material and expert discussion and recommendations on how to manage responsible Enduro activity.

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Forest Enterprise Scotland (FES) fully supports mountain biking and cycling on the National Forest Estate and is committed to its sustainable future. FES understands the benefits reaped by the people and economy of Scotland, through increased participation and tourism in particular.

This paper considers the increase in construction of unauthorised 'wild trails' for Enduro mountain biking, assesses its impact on land managers and sets out draft guidance for responsible management of Enduro events and their legacy. It examines the impact of communications - particularly social media - on Enduro mountain biking events. The paper has been developed with reference to existing published material and expert discussion. Forest Districts and Scottish Land and Estates were contacted to garner information about the construction of wild trails and the costs of managing mountain biking. A draft stakeholder list was drawn up to aid future communications concerning Enduro mountain biking events (see annex A).

The paper concludes that mountain biking is expanding, partly due to the continued construction of 'wild trails' throughout Scotland. This is particularly marked in three Forest Districts: Dumfries & Borders, Galloway, and Moray & Aberdeenshire, where the demands upon staff and financial resources available to manage this growth are becoming unsustainable.

FES and Scottish Land and Estates agree that only by collaborating with governing bodies, practitioners and other stakeholders can the resource impact be managed, through 'phasing out' wild trail building, while facilitating responsible mountain biking and managing associated events.

2) Terminology used in this paper

Desire line - This is an unofficial cycle route established without the permission or knowledge of the landowner or manager. It is created by the repeated passing of cycles or walkers along a non-formalised route on the forest floor, open moor or field. A desire line has no construction or vegetation management used to create it.

Wild trail – This is an unofficial cycle route established without the permission or knowledge of the landowner or land manager. It is separate from the managed trail network. It is a route that has some degree of construction or vegetation management which may range from simple ground level berms or branch removal to specifically built timber structures.

Enduro trail – This is an event trail, sanctioned through the land manager's permission system. This may consist of an existing desire line, an existing wild trail, a new trail or a combination of all three. If the land manager permits use of any of these three for the enduro trail event then these trails move to being called Enduro trails rather than desire lines, or wild trails.

3) Introduction - Mountain biking in Scotland

Mountain biking has enjoyed an increase in profile in Scotland over the last 20 years and there has been a lot of enthusiasm to deliver and provide facilities and cater for a wide group of users. Albeit, Scottish Land & Estates has previously highlighted to the NAF the difficulty for private, commercial providers in developing a workable business case for such facilities. There have been multiple benefits from these developments, such as an increase in the use of the outdoors and forests by teenagers and underrepresented groups. Local businesses have benefited from an increased footfall and mountain biking has increased the profile of Scotland internationally.

Alongside the development of purpose-built trails and facilities, FES relationship have developed with Scottish Cycling (SC - the governing body which endorses these various forms of mountain biking) and Developing Mountain Biking in Scotland (DMBinS).

Many mountain bikers seek personal challenge, the drive to self-manage and a desire for easy access close to home. This has led to the increasing development of wild trails across Scotland in woodlands close to communities by individuals, or small groups of friends. Wild trails can start and

finish at any point, are mainly downhill and are technicality dependent on the skill level of the individual(s) constructing the trail.

This social interaction leads to groups of people enjoying the challenge, sharing information about 'wild trails' on social media and moving from one wild trail to the next. The increase in use can result in higher levels of environmental impact on the forest floor and the likelihood of more people using trails that do not fit their skill level. The increased use of unplanned access can also result in poor or even dangerous interaction with other forest users.

Wild trails are not designed to recognised standards. They may contain potentially unsafe feature-with risks to users and others, they may not be robust enough for event use and they can also lead to environmental damage. There are gaps in knowledge when it comes to understanding what impact wild trails have on other people enjoying the outdoors and the potential impacts on land manager's duty of care. This requires further examination to identify the issues and agree solutions.

Enduro is not a recognized sporting discipline like cross country and is viewed as an activity by cycling governing bodies.

4) Landowners and Wild Trails

For landowners and land managers, the main duty of care is to other access users, horse riders, walkers and bikers who unwittingly wander into an area of an unauthorised trail, there is a real concern for injury to these users particularly when those using wild trails are often descending at speed. However trying to prevent this type of activity is difficult for landowners and land managers to manage.

Land managers are often not aware of the true extent of wild trail construction on their land and the associated legal issues with regards to public liability/ trail user liability in relation to use of unauthorised trails. A recent case in Aberdeenshire highlights this, where the landowner here only discovered the creation of a wild trail on his land through the identification of a Facebook page advertising the trail to others.

As a landowner there are a range of considerations to take account of in relation to this subject. Under the terms of the Occupiers Liability (Scotland) Act 1960, and the Health & Safety at Work Act 1974, occupiers of land owe a duty of care to anyone entering on to their land or premises. In many instances where significant development has not been challenged early on, the landowner has had to take on responsibility for wild trails, particularly when they have become well established with users. This creates an additional burden and cost for the landowner, as well as increasing the risk of injury and claims inherent in such a provision.

Removal of these trails, which can be quite substantial in structure may be equally burdensome to landowners. As areas become well used, it becomes difficult to prevent undesirable activity within them and removal simply prompts users to start building trails in others areas of forest or woodland previously free of wild trails and potentially less suitable or more sensitive than the original site.

4) Responsible mountain biking

The framework provided by the Land Reform Act and the Scottish Outdoor Access Code is fully integrated with the requirements of other legislation, such as Health and Safety. Although the Code includes all of the relevant principles, it does not provide detailed guidance that is explicitly directed at Enduro mountain biking activity or events.

The Code says *"Access rights extend to cycling. 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 you are cycling off-path, particularly in winter, avoid: going onto wet, boggy or soft ground, and churning up the surface"*.

From this it can be interpreted that responsible cycling does not extend to trail building, branch removal, tree felling or excavation of ground without the land managers permission or consent. These activities, without consent, will be regarded as an illegal activity and the Police may be contacted.

It is also the case that any event organiser should use early engagement with land managers and stakeholders to ensure careful planning of events, to avoid disruption to public access and comply with health and safety legislation, so fulfilling land access obligations.

Mountain biking activity and events can take place in a wide variety of places, ranging from the wilder, more remote parts of Scotland, to relatively accessible sites near established recreation facilities. Occasional mountain biking does not usually cause problems, but difficulties can arise under some circumstances, often because of the behaviour of a minority involved in unapproved wild trail building and excavation, or because of the cumulative impacts of many users. This can result in erosion and churning up of soft ground so creating obstacles which can be a risk to other people including walkers and horse riders.

Developing Mountain Biking in Scotland (DMBinS) has produced a guide to responsible mountain biking in Scotland called Do The Ride Thing (DTRT) http://www.dmbins.com/files/Do_the_Ride_Thing.pdf.

DTRT deals in detail with the various stages of preparing for, communicating before and during your ride and taking care of yourself, others and the location you are biking. However, FES suggests that this guide does not fully address the illegality of unapproved trail building.

DTRT provides all the required information to help inform users just exactly what they should do to mountain bike responsibly. For the purposes of this paper it is accepted that DTRT covers all that is required to achieve responsible mountain biking.

At no time does DTRT suggest that trail building without the land owners permission constitutes responsible mountain biking.

5) Managing Enduro activity responsibly

- Responsible Enduro activity can only be classed as such if the event organiser or course developer makes contact with the land owner or local land managers at an early stage of planning the event. The principals and timelines set down in the [FES/Scottish Cycling master Agreement](#) provide a good reference and an indication of minimum timescales required to deliver a successful event (these have FES approval). In essence, discussions should begin no later than 20 weeks beforehand for a national event, or 16 weeks for a local event.
- Additional guidance for those wishing to manage events is provided in the [Mountain Bike Organisers Handbook](#) and NAF Outdoor event guidance <http://www.snh.org.uk/pdfs/SOAC/Outdoor%20Events%20in%20Scotland.pdf>
- It is recognised that wild trail building in some cases is undertaken (though not necessarily by potential event organisers) with the aim of developing pre-emptive routes, leading to a later request to organise an event using these wild trails.
- Land managers must recognise the long term implications and impacts of agreeing use of such wild trails for events since - once used for an event - they inevitably become widely recognised amongst the wider mountain biking community.
- It is almost impossible to fully decommission what would be an Enduro trail once used for an event. As these will continue to be used they will require further input and resource to manage.
- Recognising the cost of management and long term implications for use of former wild trails for events, it is recommended that event charges include a reflection of true costs of long term management of any Enduro trails, post event use.

- Where routes that are wild trails are proposed for use at an event or where a trail centre or purpose-built trail(s) is to be used differently from its original design, for example in reverse, the organiser must appoint a suitably qualified trail designer (e.g. CTC qualified) to assess the safety of the course for that event.
- Where land managers believe a wild trail is being constructed for future use in an Enduro activity it is important to engage with those building the trail quickly.

6) Discussion and future options

Against this background we are seeking views from the Forum on the responsible management of Enduro events and their legacy, including the five recommendations below:

1. NAF representatives and other stakeholders attend a facilitated site-visit hosted by FES in February to examine issues on the ground. Scope terms of reference for a NAF working group to review Enduro mountain biking activity.
2. Land managers and Scottish Cycling should work together to agree a concordat, which is a collaborative public statement on safe and sustainable cycling and mountain biking in Scotland's forests.
3. Future discussions with DMBinS should work towards strengthening the wording used in the 'Do The Ride Thing' leaflet.
4. The charges set for Enduro events should reflect the cost of either decommissioning routes or adopting management of legacy.
5. In order to reduce environmental damage and management costs, forest managers should consider designating an area(s) where Enduro events can take place.

Annex A

Wider Communication and Engagement

Mountain biking is a topic which may impact on and interest many different groups of stakeholders.

The table below shows groups through whose channels we will be able reach Enduro organisers and participants. Communication channels include social media, websites, newsletters and other publications, guidance, members, conferences & other means.

MTB/Cycling	Govt/Public sector	Tourism	Access/Other
<ul style="list-style-type: none">• Scottish Cycling• DMBinS (& DMBinS partners)• Mountain Bike Centre of Scotland• Cycle Tourism Forum	<ul style="list-style-type: none">• FCS/FES• Scottish Government• National parks (CNPA & LLTNPA)	<ul style="list-style-type: none">• Wild Scotland (& members)• Scottish Tourism Alliance (& members)	<ul style="list-style-type: none">• National Access Forum• Scottish Land and Estates• Paths for All• Visitor Safety in the Countryside Group• Outdoor Recreation Network• Other land managers