Scotland's MOORLAND FORUM

ACCESS AND AWARENESS

GUIDANCE ON ELECTRIC FENCES AND PUBLIC ACCESS ON MOORLAND

UPDATED APRIL 2012

1 Introduction

1.1 The use of electric fencing on moorland has increased in recent years and is commonly intended to exclude deer from grouse moors. This note has been developed jointly by Scotland's Moorland Forum and the National Access Forum to help land managers to integrate such fences with public access. General guidance on access and fencing, including electric fencing, has also been developed by Scottish Land & Estates.

1.2 The use of long lengths of electric fencing on moorland has raised concerns among outdoor recreation interests. This guidance aims to promote good practice in the present regulatory context, but some members of the National Access Forum consider that such fences should require planning consent. Fences may also raise wider issues, for example with regard to landscape, but these are beyond the scope of this note.

2 General principles

2.1 Rights of responsible access apply to most land and inland water in Scotland, both on and off paths. These rights extend to non-motorised users such as walkers, cyclists, horse riders and canoeists, and to motorised vehicles adapted for (and in use by) people with disabilities. The Scottish Outdoor Access Code provides guidance on responsible behaviour and includes relevant advice for recreational users and land managers, which is summarised in the attached annex. Public rights of way also exist along various long-established routes.

2.2 Recreational use of moorland will often be focused on ridges and other popular 'desire lines', and is commonly based on well-established tracks. Some recreational users are likely, however, to follow other 'off-piste' routes, either by choice or in order to escape to lower ground, for example in deteriorating weather. It is therefore important to ensure that recreational users can find suitable points to cross electric fences when approaching from various directions and in poor visibility. The following key principles should be followed to integrate such fences with public access:

2.2.1 signs should be used to inform the public that the fence is live, and;

2.2.2 adequate crossing places should be provided.

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3 Electrified stock fences

3.1 Electric fences commonly consist of a single stock fence with some or all wires electrified, an unelectrified stock fence with one or more offset live wires, or a double electric fence combining both of the above. All such fences should be installed and maintained to minimise electrical hazards to people or animals, and to comply with relevant regulations and standards – and fence construction must not risk entanglement for people or animals.

3.2 The following guidelines can help to minimise access problems:

3.2.1 Gates should be constructed where the fence crosses paths or popular desire lines to provide for users such as cyclists and horse riders. Tracks and roads will normally have full size gates installed anyway for vehicle access and moving stock.

3.2.2 Simple stiles should be provided for walkers, with insulation on the live wires, at appropriate intervals along the whole fence line. Ideally these should not be more than 500m apart and above and below sections of steep ground. If the height of the live wires makes them easy to cross, lengths of slit plastic tubing or old bike tyres may be used instead of stiles. These will be easier to use if located at fence posts. Double or offset fences should be spaced so that each part of the fence can be crossed in turn, bearing in mind that people may be carrying backpacks.

3.2.3 Electric fences should be clearly marked so that people approaching at any point can tell that the fence is electrified (and if this is only seasonal, to indicate when the fence is live). Signs should also direct people to the nearest crossing point. It may be necessary to identify the crossing points themselves if these are just lengths of insulation whose purpose may not be immediately apparent. On high ground, these signs must be robust to prevent them being blown off.

3.2.4 Where possible, fences should not run along ridge lines as users may then have to cross them more than once.

3.2.5 Estates should consider explaining the purpose of electric fences, and perhaps advising the public how to cross them, through signs in places such as car parks.

3.2.6 It is recommended that there is discussion with the local or National Park authority access officer before building a new electric stock fence on moorland. Contact details can be found at http://www.outdooraccess-scotland.com/help-and-information/contact-la-officer/.

4 Electrified deer fences

4.1 Standard deer fences where some of the wires are electrified or where there are offset live wires are rarely used, but potentially cause much greater problems for access and would require correspondingly greater effort to provide suitable crossing points. Any land manager considering the erection of an electrified deer fence is strongly advised to consult with the access authority and explore whether an alternative management approach is possible.

Annex: Summary of guidance in the Scottish Outdoor Access Code

Parts 3 and 5 of the Code provide guidance to the public in relation to fences in general, which is summarised on page 95 as: *Do not climb over gates, fences, dykes or hedges unless there is no reasonable alternative nearby. If you have to climb over a fence, avoid causing any damage by doing so near to a post*.

Part 4 of the Code sets out general principles of responsible land management, which include *not purposefully or unreasonably preventing, hindering or deterring* (access) and *taking access rights into account when planning and implementing any major land use change or development*. Paragraph 4.9 lists examples of actions that might unreasonably interfere with access rights, which include *putting up a fence, wall or other barrier across a path or track without providing a gate or other access point, or putting up a high fence over long stretches of open country without providing gates, gaps or other access points*, and; *putting an electric wire or barbed wire across a gate or stile without providing some sort of protection for people*. Part 5 of the Code (page 95) includes the following guidance for land managers: *If you need to use barbed wire or electric fencing, take into account people's needs by providing protection at access points and by leaving sufficient room alongside paths*.

Scottish Land&Estates
Landowners Working for the Countryside

Information

Reference: Access 10

Fencing (and other stock barriers) and Outdoor Access

The access legislation implemented in Scotland in early 2005 requires that land managers should manage land responsibly for outdoor access, i.e. a land manager should not do anything which unreasonably prevents or deters people from taking responsible outdoor access and should take proper account of the interests of access users. The access legislation recognises that fencing, hedging and other stock barriers have the potential to interfere with access rights. The legislation does not of course mean that such structures are not to be used on ground where access rights apply. What it means is that they should not be used either with the deliberate purpose of excluding or deterring access or in such a way as to interfere unreasonably with access rights.

Structures such as fencing, hedging and walls are vital tools for successful land management, whether used to enclose domestic stock or exclude wild animals, and whether the purpose of doing so is for stock management or conservation benefits.

In lowland agriculture, normal gates (provided they are unlocked) or other access points to enclosed fields will enable ground to be utilised for outdoor access when it is responsible to do so. The situation in upland areas however can be less straightforward. Long stretches of deer and/or electric fencing can cause problems for access-takers. Normally, adequate crossing places – gates or stiles – based on the routes that are likely to be used, an assessment of the likely numbers taking recreation in the area and the types of outdoor access that can reasonably be expected, will be required.

What is required?
A land manager should ensure that, as far as it is reasonable to do so, those exercising their access rights are accommodated.

It should not be assumed that only walkers need to be catered for. Consideration needs to be given to the likelihood of horse riders and/or mountain bikers using the area or any other type of responsible access. The type of gate should be chosen accordingly. If, for farm / estate management reasons, vehicle gates on a well used track must be kept locked, an alternative adjacent crossing point should be made available for access-takers. Kissing gates and stiles can be difficult or impossible for some types of access-takers to negotiate. The Paths Demonstration Site at Oatridge College has some examples of gates and barriers which could be used in a variety of situations. It can be difficult to exclude motorbikes in a way which does not also exclude some types of legitimate access users such as horse-riders. It will only be acceptable to use such barriers if there is a history of unauthorised motorised access or reasonable and genuine apprehension of such. A decision will be needed about what is reasonable in the circumstances, including the nature of access likely to be taken, the physical abilities of the likely access-taker and the likely intensity of use.

The likelihood of the presence of elderly people who may be fit enough to cover long distances, but are not sufficiently agile to negotiate steep ladder stiles, should always be considered. Likewise, consideration should be given to children and those with heavy rucksacks who can find certain types of fencing and stiles daunting to climb over.

Land managers also have to take into account their duty of care to the public. This is particularly important when installing electric-fencing. An electrified fence of any type and in any setting needs to be clearly identifiable to anyone approaching. Warning signs should be attached and crossing mechanisms provided where required. Options for providing crossing points in electric fencing include provision of spring gates or stiles or use of alkathene pipes to insulate the wires. The Outdoor Access Code requires protection for the public when the wire runs across a gate or stile.

Long stretches of high fencing, such as deer fencing, can be particularly difficult for the public to cross unless an adequate number of gates or crossing points are provided. Where deer fencing or ordinary fencing has an offset electric wire, give consideration to how an access-taker will negotiate both elements of the fence safely. An adequate gap should be left between the fence and the offset wire to allow for safe crossing.

Water gates and fencing across watercourses
Water gates and, in particular, wire fencing across watercourses, present a significant hazard to paddlesports enthusiasts. If barriers across watercourses are required, they should be clearly visible to an approaching paddler. Some simple droppers from the wire will do much to improve their visibility. The action required (as with all types of access and land management interaction) depends on the likelihood of paddlers being on a watercourse. It is worth bearing in mind however that with advances in canoe and kayak design and particularly in spate conditions, it is now possible to navigate fairly steep and narrow burns.

Further Information:
Paths for All have developed a paths demonstration site at Oatridge College in West Lothian. This site includes examples of a variety of gate designs. Visits can be unaccompanied or organised through Paths for All, telephone 01259 218888.

You could approach a local paths group or your local access forum for advice about suitable designs for crossing points if you are unsure of the best approach to take in your local situation.

SNH has published a Countryside Access Design Guide (2002). This is available as a PDF at: http://www.snh.org.uk/pdfs/publications/heritagemanagement/cadg.pdf or as an online version at: http://www.snh.org.uk/publications/on-line/accessguide/index.asp

The Moorland Forum has developed guidance for "Electric fence design with regard to access on moorland". This is available at www.moorlandforum.org.uk

Guidance on physical accessibility standards that will improve access to the countryside for people with disabilities is available from:

Fieldfare Trust, 2003, BT Countryside For All Standards & Guidelines: A Good Practice Guide to Countryside Access for Disabled People (now available as a CD Rom only), Fieldfare Trust, 7 Volunteer House, 69 Crossgate, Cupar, Fife, KY15 5AS, Tel 01334 657708, e-mail info@fieldfare.org.uk

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