



# THE HEATHER TRUST

*Promoting Integrated Moorland Management*

## **Muirburn Consultation – October 2008**

### **A View from The Heather Trust**

#### **INTRODUCTION**

#### **1 England & Wales**

1.1 The Scottish Government may feel under pressure to change the dates as a result of their original belief that the dates had been changed in England and in Wales.

1.1.1 In England, new burning regulations came into force on 1<sup>st</sup> October 2007, and a new Heather and Grass Burning Code was published, but the burning dates did not change.

1.1.2 Wales has also introduced new Regulations and a new Heather and Grass Burning Code, and the end of burning season in the uplands has been brought forward from 15<sup>th</sup> April to 31<sup>st</sup> March.

#### **2 The Muirburn Industry**

2.1 I think it important that the ‘muirburn industry’ champions muirburn in a positive and balanced manner. We need to extol the virtues of muirburn while accepting that there are risks of local damage. However, we should be emphasising that the benefits of muirburn far outweigh the risks associated with it.

2.2 Without this robust defence there is a danger of a repeat of what has happened in Wales where the season has been curtailed and those who wish to burn are under pressure.

#### **3 Change to the Burning Season**

3.1 The Muirburn Group of Scotland's Moorland Forum discussed the revision to the burning dates in 2006. A case could be constructed for a change to dates but the blockage to progress was the need for primary legislation to achieve this.

3.2 Also, there was concern that starting a consultation about changing dates could open Pandora's Box and lead to an unexpected and undesirable result. In effect, this has now happened but I believe that this concern remains relevant.

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- 3.3 There would be great opposition to shortening the season in the spring as so much of the essential muirburn takes place during this period. Understandably, there are concerns about the interaction with breeding birds, but there is a view that this is best approached by risk assessment prior to burning. The one size fits all approach to regulation is unlikely to be effective except at reducing the amount of muirburn that takes place.
- 3.4 There is a danger that if flexibility is introduced into the muirburn season this may work against muirburn interests. However, if the argument can be put at burning outside the existing season would offer benefits, then there is a case that the introduction of some flexibility would be beneficial.
- 3.5 In particular, the ability to burn in September could be useful on some moors albeit that this might not be attractive on areas with an active grouse shooting or deer stalking enterprise.

#### **4 The Basis of the Consultation**

- 4.1 There is a paucity of data about the impact of muirburn could have on carbon storage and climate change.
- 4.2 There is a case that it would be good to introduce greater flexibility into the muirburn season. Ideally, this would allow the extension of the season into September in places where it would be of benefit. This could relieve the pressure to complete the annual muirburn programme late in the burning season when the risk of runaway fires and impact on breeding birds is greatest.
- 4.3 The consultation does not give any details about how the proposed flexible approach might be applied or the criteria that would be used to amend the dates of the muirburn season.
- 4.4 It could be argued that it would be better to leave Pandora's box firmly shut, but a better approach might be to support the introduction of a flexible approach to the muirburn season but then to make sure that this was backed up with practical measures.

### **THE CONSULTATION QUESTIONS**

#### **5 Outline Responses to the three Consultation Questions**

- 1 Do you agree that in order to adapt to the possible effects of climate change on moorland, it is necessary for the Scottish Ministers to be given powers vary the permissible dates for muirburn in the future?**
  - 1.1 The need for a change to the permissible dates for muirburn in response to the possible effects of climate change alone is not supported.

- 1.2 However, the ability to manage muirburn with greater flexibility would have some advantages, but details of how this would work in practice need to be discussed.
- 1.3 There is no information about the amount of carbon that is released as a result of muirburn. It can be argued that by introducing, dense, young vegetation, muirburn is enhancing the carbon retention capacity of moorland and is therefore of benefit in increasing the carbon storage capacity that will slow down the effects of climate change.
- 1.4 In addition, preliminary results from work being carried out by Professor Rob Marrs in the Peak District indicates that biodiversity is at a maximum in the first 20 years after muirburn. In this time, the species variety will be at a peak and this includes the mosses that are responsible for the deposition of peat. Potentially, this is a further indication of the carbon storage benefits that arise from muirburn.
- 1.5 The biggest threat to carbon storage arising from the changing weather patterns associated with climate change is the increasing risk of wildfire in drier summer months.
- 1.6 Muirburn, or prescribed burning, will reduce the fuel load associated with rank vegetation, which in turn would reduce the heat of any wildfire.
- 1.7 Much is being made of the carbon storage capacity of peat and in the event of a summer wildfire peat would be very much at risk.
- 1.8 Wildfire control on a well burnt moor is much more likely to be effective than when dealing with old, unmanaged heather that has few breaks in it. Recent fires can act as firebreaks and these fires can allow easier access with machinery to the wildfire front.

**2 Do you consider that there are any other amendments required to the muirburn provisions within the Hill Farming Act 1946 to adapt to climate change?**

- 2.1 Muirburn should be encouraged in all parts of Scotland, at all times when it is unlikely to cause damage.
- 2.2 A well burnt moor will have much increased productive capacity that will benefit all moorland birds, wild & domestic stock. An unmanaged moor will have a much lower carrying capacity for grazing animals and a much reduced diversity of vegetation.
- 2.3 The ability to burn outside the existing season would assist practitioners to achieve the required amount of muirburn. At present, this is often limited by the conditions during the burning season.
- 2.4 Muirburn is very weather dependent and if climate change is going to introduce warmer and wetter winters, the opportunities for muirburn

within the existing season are likely to reduce. The opportunity to burn during September could take the pressure off practitioners to burn in the spring, when there is likely to be greater interaction with breeding birds.

- 2.5 Climate change is likely to introduce drier summers, and this will increase the opportunities for a wildfire to cause extensive damage. The amount of damage is linked to the heat of the fire, which is linked to the fuel loading, and the amount of moisture. Dry peat is likely to be damaged or removed by a wildfire in hot, dry conditions. If this occurs, the release of carbon would be significant. The lack of vegetation cover would lead to further erosion that could last for many years.

### **3 Do you consider that there are other climate change related impacts that affect how you carry out muirburn?**

- 3.1 Scotland has never had the legislation in place to allow for burning under licence outside the muirburn season.
- 3.2 This should be introduced to support such activities as: research, habitat restoration, pest control (e.g. heather beetle, phytophthora ramorum / kernoviae). Burning should be authorised under licence when an appropriate case can be presented.

## **OTHER MUIRBURN ISSUES (not connected to climate change)**

### **6 The Muirburn Code**

- 6.1 The Code was revised in 2001, but it is now being used for purposes it was not designed for.
- 6.2 The cross-compliance (GAEC) conditions in relation to SFP and LFASS payments now rely on the Code as a reference for how muirburn should be carried out.
- 6.3 It is questionable whether the existing Code is fit for this purpose. Does it meet the need of practitioners as well as the regulators? Arguably, it leans more towards regulation (thou shalt not) rather than giving guidance and encouragement for practitioners.

### **7 Data**

- 7.1 We lack good data about the number and the area of fires that are burnt each year and the damage caused by runaway fires and wildfires. The concerns about the amount of moorland damaged by wildfire cannot be put in context without better information.
- 7.2 The Wildfire Forum is equally bereft of data and is unable to assemble information that shows the areas of the fires attended by the Fire and Rescue Services.

- 7.3 The work that was summarised in BTO Report *The Timing of Breeding of Moorland Birds* was inconclusive about the need to change muirburn dates, and unless new data is provided the case for change is not strong.

## **8 Local targeting**

- 8.1 If greater flexibility is introduced to the control of the muirburn season it would be helpful to make it more locally targeted.
- 8.2 There is a very large range of climatic conditions between southwest Scotland, the Islands and the North-East. It may be possible to burn safely in one area when the conditions are too dry or too windy in others. The Fire Danger Rating work being undertaken by Edinburgh University, and others, may give us more information about the variation in conditions across Scotland.
- 8.3 Introduction of national controls are unlikely to be effective and a much better approach would be to apply changes to the muirburn season on a regional basis and link this to the prevailing conditions of weather and vegetation.

## **9 Risk assessment & Training**

- 9.1 Due to the variation in the locations where muirburn is carried out, it is difficult to control it effectively through legislation. A better approach would be for trained practitioners to carry out muirburn using agreed best practice techniques and criteria.
- 9.2 This would require an element of training and reliance on the experience of practitioners but it would be a way of encouraging more muirburn to take place in key areas. Moorland gamekeepers and some others already have the knowledge and experience to carry out muirburn properly, but training could be used to bring other sectors (farmers, rangers etc) up to the required standards of knowledge & experience.

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Director

8<sup>th</sup> October 2008