


















Summary of Responses from Moorland Forum Members
to the Muirburn Section
of the WNE Bill Consultation

September 2009

	Moorland Forum	BASC	CC	CNPA/LLTPA	GWCT
Q67 a Issue of Licences 	Supported but not to shorten season	Agrees	Problematic for Crofters in Sept because of grazing OK for other parts of the	Agree	Licences would be useful
Q67b Permitted Purposes 	HR/CM 	HR/CM	HR/CM	HR/CM	
	PC 	PC	PC	PC	
	R 	R	R	R	
Q68a Assessing licence applications 	Ev 	Ev	Ev	Ev	Evidence of need
	Tr 	Tr	Tr	Tr	B Pl
	Av Eq 	Av Eq	Av Eq	Av Eq	
	B Pl 	B Pl	B Pl	B Pl	
Q68b Considerations 	Should comply with MBC Be site specific Time Limited For a specific purpose	Should relate to location, period of time and restrictions relating to habitat that should not be burnt	Conditions relevant to purpose stated MBC	Conditional with an updated MBC	Muirburn Code and GAEC
Q 69a Varying dates not for climate change reasons 	Supported	Yes to varying dates	All burning outwith current dates should be under licence	Yes to varying dates	No to varying dates
		No to lessen the number of days available			No to lessening the days available






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Q 69b Reasons for variation 	HR/CM	HR/CM	HR/CM	HR/CM	HR/CM
	PC	PC	PC	PC	PC
	R		R	R	R
Q70 September Burning 	Sept may not benefit estates who have stalking and shooting interests at that time	Yes	Not for crofters	Agree - useful for local conditions	Yes
Q71 Regional Variation 	Supported	Agree in principle but with concern over the terms "geographical" and "regional"	Agree	Agree	No
Q72 Under licence after 30 Apr 	Prohibit after 30th April,except under licence	Prohibit after 30th April,except under licence	Prohibit after 30th April,except under licence	Prohibit after 30th April,except under licence	Prohibit after 30th April,except under licence Must have Sept as a balance
Q73 Suppression Fires at night 	Supported but with further discussion req'd with SG	Support lighting supp fires at night	Support lighting supp fires at night	Support lighting supp fires at night	No evidence to suggest it would work in Scotland

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Q74 Neighbour notification 	Support removal of notification	Yes - remove legal requirement	Yes - remove legal requirement	Yes - remove legal requirement	Yes - remove legal requirement
Q75 restrict some burning - avoid soil exposure & erosion 	Protection of soils supported in principle, but difficult to introduce regs. Preferred approach through intro of measures in the MBC	No to giving Ministers' powers	Difficult to regulate	Yes to giving Min's powers	No to giving Ministers' powers
Q76a Review Muirburn Code 	Revision of Code & Supplement to MBC	Yes to MBC review	Yes to MBC review	Yes to MBC review	Recommend the MBG does the revision
Q76b What to be reviewed 	Make more user-friendly Control of scrub/whins by fire Wildfire risk reduction Encourage use of swiping	Soil / carbon conservation Woodland Edge Management Wildfire prevention	Complete review	Those stated	Seasonal licences Soil / Carbon conservation Cutting / swiping heather Fire and risk behaviour Heather Regen
Q77 Legislative changes to encourage muirburn 	Legislative changes Prescribed burning Management of wildfire risk	No	No	No comment	Improve ability for landowners to remove fuel loads Regulate burning according to weather conditions

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	HT	RSPB	SAC	SACS	SEBG
Q67 a Issue of Licences	Supported	Support	Yes	Agree	Welcomes greater flexibility Does not welcome
Q67b	HR/CM	HR/CM	HR/CM	HR/CM	HR/CM
Permitted Purposes	PC	PC	PC	PC	PC
	R	R	R	R	R
Q68a Assessing licence applications	Ev	Ev	Ev	Evidence for genuine need to burn out of season	Ev
	Tr	Tr	Tr		Tr
	Av Eq	Av Eq	Av Eq		Av Eq
	B Pl	B Pl	B Pl		B Pl
Q68b Considerations	Comply with MBC Site specific Time Limited Specific purpose	Compliance with MBC Appropriate weather conditions Req't to look for nesting birds	Adhere to burning plan	Compliance with the MBC	Muirburn plan licence should relate to location, time in question, habitat types
Q 69a Varying dates not for climate change reasons	Yes to varying dates	Yes to varying dates.	Yes - need greater flexibility	Yes to varying dates	Welcomes flexibility, but no base-level changes to current season
		Yes to Sept burning. Want no burning after 31st March			

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Q 69b Reasons for variation	HR/CM	HR	HR/CM	HR/CM	HR/CM and PC but under licence
	PC	R	PC	PC	
	R		R	R	
Q70 September Burning	Supported subject to impacts on other flora and fauna and soils	Yes. Not after 31st March tho.	Yes	No mention of date change in their response	See 67a
Q71 Regional Variation	Agree	Difficult to administer. SNH licence might be best option	Sensible option	No need to restrict power	Licencing would deal with varying regional needs
Q72 Under licence after 30 Apr	Prohibit after 30th April, except under licence	Prohibit after 31st March, except under licence	OK with cut-off 30th April	No restriction of the current dates	Not happy with moving May burning. If birds are nesting, then people will not burn there.
Q73 Suppression Fires at night	Support lighting supp fires at night	Lack of evience to support success. RSPB sees risks to biodivesity and habitats due to darkness	Supports supp fires at night	Supports supp fires	Supports supp fires

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	HT	RSPB	SAC	SACS	SEBG
Q74 Neighbour notification	Yes - remove legal requirement	Support removal of notification	Do not support removal of notification	Support removal of notification	Support removal of notification,
Q75 restrict some burning - avoid soil exposure & erosion	Protection of soils supported in principle, but difficult to introduce regs. Preferred approach through intro of measures in the MBC	Sensible proposal to Min's powers	Improve the MBC	Not convinced powers are necessary	Ministers should not be given these powers
Q76a Review Muirburn Code	Revision of Code & Supplement to MBC	MBC could be updated with ref to soils, peat and wildlife protection	No answer given	Review should be contained within the MF	MBC might benefit from review but concerned about more restrictive burning
Q76b What to be reviewed	Full review	Measures from Climate Change Bill Land Use Strategy Protection of nesting birds heather cutting	Recommend review with the MBG leading	Review should be contained within the MF	Ensure Code is fit for purpose
Q77 Legislative changes to encourage muirburn	Legislative changes Prescribed burning Management of wildfire risk	Address inadequate enforcement of existing legislation	None	See their response. Too wordy to condense	Support through SRDP for more kit for muirburn

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	SGA	SNH	SRPBA	SRSG	Scottish Environ. Link
Q67 a Issue of Licences	Supports	Considers it a useful power	Agree		Agree
Q67b	HR/CM	HR/CM	HR/CM		HR/CM
Permitted Purposes	PC	PC	PC		
	R	R	R		
Q68a Assessing licence applications	Ev	Ev	Ev		Ev
	Tr	Tr	Tr		Tr
	Av Eq	Av Eq	Av Eq		Av Eq
	B Pl	B Pl	B Pl		B Pl
					Survey Info
					Research
Q68b Considerations	Burning plan Expertise / experience / notify fire brigade	Burning plan? Penalties for breach of conditions	Location and time period		Compliance with the MBC Time and location Undertake a survey to ensure nesting birds not disturbed
Q 69a Varying dates not for climate change reasons	This had merit but not for restricting season	No objections	Yes Ministers should be given powers, but no reduction in current minimum season		Supported

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	SGA	SNH	SRPBA	SRSG	Scottish Environ. Link
Q 69b Reasons for variation	HR	HR	HR/CM		HR/CM
	PC	PC	PC		Research
	Control of summer wildfires	R			
Q70 September Burning	Yes to Sept but not a restriction of other current months	Potentially yes, if no env impact	September = beneficial	Yes	Supported subject to SNH advice on biodiversity, landscape and access implications
Q71 Regional Variation	No to Ministers varying dates on geographical basis	There is lack of convincing evidence that the current system is ineffective	Agree that Ministers should be able to vary dates on geographic basis		Might be difficult to administer and out of season licence might be more appropriate to deal with regional variation
Q72 Under licence after 30 Apr	Yes	Not enough evidence to restrict the current season	Maintain current dates for April / May and altitudes	Prohibit after 31st March	Prohibit after 31st March
Q73 Suppression Fires at night	Supports supp fires	Some logic in suppression fires but they are not free of risk!	Supports Supp fires		Does not support this because of lack of evidence

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	SGA	SNH	SRPBA	SRSG	Scottish Environ. Link
Q74 Neighbour notification	Support removal of notification but give notice as a matter of courtesy	Do not support removal of notification	Supports removal of notification		Supports removal of notification
Q75 restrict some burning - avoid soil exposure & erosion	Ministers should not be given these powers	Important issue but not greater than habitats and species. In principle these restrictions would have greater force than being part of the MBC, and might be more effective	No to Ministers powers		Supports proposal
Q76a Review Muirburn Code	Periodic update useful	It is reasonable to review MBC to reflect changes in legislation	MBG should do the MBC review		Revise MBC with increased ref to soils, peat and wildlife protection
Q76b What to be reviewed	MF should be involved in updates	Applicability of Code to habitats other than heather moorland Include info on recklessness	Soil, Carbon and prevention of wildfires		Should include measure from Climate Change Scot. Act and the Land Use Strategy
Q77 Legislative changes to encourage muirburn	Concerns about areas of unmanaged heather. Could landowners be made to burn a minimum acreage	Legal measures to ensure compliance with Code	See their answer in full		More enforcement of existing and additional proposed regs.