



# THE MOUNTAINEERING COUNCIL OF SCOTLAND

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## CONSULTATION ON PROVISIONS RELATING TO MUIRBURN DATES

### Mountaineering Council of Scotland Response

The Mountaineering Council of Scotland (MCoS) is recognised by the Scottish Government as the representative body for hill walkers, climbers and ski-tourers. We have 10,000 members, and represent the interests of all 400,000 mountaineers with respect to Scotland's mountaineers and mountains. Moorland managed with muirburn is a popular location and routes for these activities.

**Please let us have your views on each of these:**

**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?**

**1a. It would be very helpful if you could explain your reasons in as much detail as possible. This will enable us to examine the implications of varying the existing powers available to Ministers and to enable appropriate provisions to be made if this proposal is taken forward.**

All fires are different and affected by a huge range of factors including timing, hydrology, intensity, size, shape, technique, weather, topography, frequency, interaction with effects on other species. In terms of climate change there are a number of parameters that are likely to be affected by climate change; temperature and precipitation being the most obvious and are likely to affect when muirburn is desirable. Other indirect effects on when muirburn might be appropriate, and not likely to be influenced by climate change, are photoperiod or endogenous rhythms. These affect when moorland species breed either directly, or through the effect they have on prey or foodplants. A paper on this is BTO report 362 – Timing of Breeding of Moorland Birds, Moss et al. Other species were not studied, and although Golden Plover were seen to have changed breeding timing over years of temperature change with photoperiod as a constant, different species may react in different ways.

It is important to recognise that the whole of Scotland is not experiencing, nor is likely in the future to experience, the same climate change effects. The need for date change will be affected by rainfall change as well as temperature, both of which affect growing periods, competition effects and faunal breeding periods.

The current climate change predictions suggest drier summers and wetter winters. Burning when there is lower soil moisture content is likely to mean hotter burns. One of the features of benefit in

muirburn is the cooler and faster-moving burn than uncontrolled fires. Hotter burns are more likely to have a detrimental effect on soil carbon storage and survival of the seed bank. With earlier autumn burns it is possible that these hotter burns will be more likely. Also an earlier autumn start date would further clash with the shooting / stalking season.

Moving the spring date to later may compromise the Wildlife & Conservation Act 1981 (amended by Nature Conservation (Scotland) Act 2004) where it states that disturbance to nesting birds either deliberately or recklessly is an offence. An earlier later spring start date would result in a greater danger of committing an offence, but see the answer to 3a for a suggestion to avoid this.

The MCoFS would advocate use of the precautionary principle and consider that the need for season extension has not been sufficiently understood to be confidently accepted at present, indeed the Science Panel in DEFRA Review of the Heather and Grass Burning Regulations and Code did not recommend change of dates from 31/3 or 15/4 and 1/10 or 1/11 in England. Neither did it find evidence to support the difference between the altitudinal specific dates in England. However, should the powers to extend the season be accepted, MCoFS would advocate that the powers were kept in reserve until there is scientific proof of the need to extend the season and evidence that the extension will not negatively affect the soil and biodiversity of the affected areas. Until that time, the season should not be extended due to the issues noted above.

## **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?**

**2a. It would be very helpful if you could explain your reasons in as much detail as possible. This will enable us to examine the implications of varying the existing powers available to Ministers and to enable appropriate provisions to be made if this proposal is taken forward.**

Unfortunately, there are regular incidents of inappropriate burning despite the Muirburn Code. This issue needs to be addressed and resolved before any opening the possibility of increase in problems due to a longer muirburn season into periods where it is even more crucial that the Code be adhered to. The Hill Farming Act 1946, s25 creates the offence of “Causing damage to *any* woodland.” Carbon storage in peat (deep and shallow) and wet areas is an important resource for achievement of carbon storage targets, hence it should be considered whether an equivalent section to the woodland damage section should be inserted to protect carbon release through inappropriate muirburn practices.

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

**3a. It would be very helpful if you could explain your reasons in as much detail as possible. This will enable us to examine the implications of varying the existing powers available to Ministers and to enable appropriate provisions to be made if this proposal is taken forward.**

Many upland species are already under pressure from climate change as they have a disjunct range and low competitive ability hence nowhere to migrate to, and are very slow to re-establish if at all after disturbance. Upland species are already under threat from climate change. Unfortunately, burns do not always follow the Muirburn Code. Any extension of the muirburn season into more marginally appropriate periods needs balanced by a strengthening of the Code. This may be applicable in terms of the type of ground on which burns are carried out, also the size of burns.

Burning peat soils can cause damage especially to peat through reducing formation, promoting erosion and release of carbon. Peat soils are an important storage for greenhouse gases that can contribute to climate change if released. It is therefore important to strengthen the avoidance of peat areas, shallow as well as deep peat.

The size of burn area is important for minimising damage to animal and plant species that inhabit the area. Small burns are more likely to allow temporary migration and easier recolonisation. Encouraging smaller individual areas would help to redress the balance of pressure these species are likely to be experiencing due to climate change in their range.

The Code should also state that spring burn areas should be searched for nests immediately before burning, and the burn not carried out if nests are present.

Please do not hesitate to contact me to discuss these issues further.

Yours sincerely

Hebe Carus  
Access & Conservation Officer