

## The politics of muirburn and the Cairngorms National Park

### Description



The view west from the road near Crask (Grid Ref 869209), 4km southwest of Carrbridge and within the Cairngorms National Park, Friday 5th March. The muirburn was just outwith the National Park boundary (GR 826208). Photo credit parkswatch reader.

Following my post on the air pollution caused by muirburn ([see here](#)), I have been sent a number of photos by readers expressing concern about the levels of destruction that have been caused by muirburn these last two weeks, both inside and outside the Cairngorms National Park. In the case above, the people concerned had been cycling up the River Dulnain but were forced to turn round at the point the photo was taken because of the smoke.

The Muirburn Code sets out a list of 23 offences relating to muirburn, the last two of which read:

- 22 **Creating smoke that is a nuisance to inhabitants of the neighbourhood** [Clean Air Act 1993, s17, refers to an offence under the Public Health (Scotland) Act 1897].
- 23 **Endangering anyone's health or safety, including members of the public** [Health and Safety at Work etc. Act 1974, s2 and s3, Management of Health and Safety Work Regulations 1999 S.I. 3242].

The failure to protect human health is not that the law is too weak, but rather than those with authority, including Public Health and the Health and Safety Executive, do not have the resources to do so.

Another offence listed in the Code is "*Causing damage to any woodland [Hill Farming Act 1946, s25]*". Looking at the photo above, whatever the destruction being caused to the moor, you might think it was the height of irresponsibility to light a fire just beyond an area of Caledonian Pine Forest when the wind is blowing straight towards it. Unfortunately, land-managers know that even if they DO burn down an area of ancient and protected pine forest, as happened in Glen Tanar ([see here](#)), no-one will be prosecuted.

### An extensive problem

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An out of control fire on the north end Skye, which burned for several days, viewed from 20 miles away. I am informed this did not make the news though it caused consternation to locals. Photo credit Parkswatch reader.

Several readers commented that the problem is not just one in the National Park, but affects places not traditionally associated with muirburn and may be carried out for reasons other than grouse shooting. This enormous fire on Skye was probably to “improve” grazing. Here is another photo of a much smaller fire in Wester Ross:



An Teallach from the River Guinard. Photo credit parkswatch reader.

And here, from further south:





Muirburn near boundary of Loch Lomond and Trossachs National Park above Loch Earn March 2022  
Photo Credit Parkswatch reader

## **Double standards for landowners and visitors**

The reader who sent the An Teallach photo was one of several to comment on the double standards that are applied to landowners and visitors when it comes to fires:



Sign by the Gruinard track (photo above). Photo credit parkswatch reader.

And here are a couple of examples from within the Cairngorms National Park:





Photo from picnic area just outside Tomintoul – see pics in previous post as well as below. Photo credit parkswatch reader.





Sign from Achlean, near the entrance to Glen Feshie. Photo Credit Dave Morris March 2021



The wording in these two signs reflects the Scottish Outdoor Access Code and the location of the second sign is perfectly reasonable, next door to the greatest Caledonian Forest regeneration success story in the Cairngorms. Wildland Ltd may have stopped driven grouse shooting and muirburn on the land its owns, but just over the boundary from Glen Tromie on the Phones, Etteridge and Cuaich Estate the burning starts:



Fire above Loch Cuaich, from Meall Chuaich 2021. Photo Credit Anne MacIntyre

While the Cairngorms National Park Authority (CNPA) heavily messages visitors about the danger of fires, it is silent on the much bigger and destructive fires started by landowners.

At the Cairngorms Local Access Forum meeting in March ([see here](#)) CNPA staff proposed a change in messaging from don't light fires in certain areas to don't light fires anywhere:

Camp fires	<ul style="list-style-type: none"><li>• Never light a fire during prolonged dry periods or in woodlands or on peaty soils.</li><li>• Never cut down or damage trees.</li><li>• Keep fires small, under control and supervised at all times. Ensure a fire is completely out and remove all traces of it.</li></ul>	<ul style="list-style-type: none"><li>• Do your bit for nature and choose not to light a fire, please use a camping stove instead.</li><li>• Never light a fire in woodlands or on peaty soils.</li><li>• Never cut down or damage trees.</li></ul>
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In doing so the CNPA have abandoned the message in the Scottish Outdoor Access Code ([see here](#)) that you can responsibly light a fire away from woodland and peaty soils but if you do so keep it small and under control. Whatever the arguments for this, it's a bit rich when the CNPA isn't asking landowners to do their bit for nature and stop muirburn, despite know this releases carbon into the atmosphere and has created a wildlife desert in much of the Cairngorms. Perhaps access staff at the CNPA need to talk to their conservation colleagues?

## The Cairngorms National Park Authority approach to muirburn by landowners



Muirburn over Laggan from Carn Ban Mor, March 2021. It is hard to tell how much is smoke and how much cloud inversion. Photo credit Dave Morris

In December 2019 the CNPA Board considered a paper [Net Zero with Nature](#) and agreed “*To identify the global climate emergency as an overarching priority for the CNPA.*” The paper correctly identified the problem and the challenge:

*“The Cairngorms are ideally placed to capitalise on the country’s requirement for nature-based solutions such as peatland restoration and woodland creation. Currently it is estimated there are 91,000 ha of degraded peatland emitting an estimated 0.77 million tons of carbon dioxide equivalent every year in the National Park and the 16.8% of woodland cover is below the Scottish average of 18% (and well below the European average).”*

It is well known that muirburn is one the key reasons for this but the paper stated that the CNPA “*Need to consider impacts of existing land uses on carbon e.g. muirburn, deer management, existing farming practices*”. It made no commitment to stopping or even reducing muirburn but instead it stated: “*The East Cairngorms Moorland Partnership continues to be a vehicle for achieving more sustainable moorland management*”. This effectively granted license to landowners everywhere else in



the National Park to continue burning as they pleased. Moreover, the evidence from Google Earth and from on the ground, e.g Prince Charles' estate at Delnadamph ([see here](#)), suggests little or nothing has changed on the ground in the east Cairngorms Moorland Partnership Area.

So when is the CNPA going to start asking landowners to stop burning the environment as loudly and clearly as they are asking visitors? And when are they going to stop the greenwash, investing huge amounts of public money in peatland restoration while the very same landowners are allowed to continue burning the land?

## The complicity with sporting estate management runs deep



... been particularly badly affected by fires and caused by muirburn:

The view north from the Lecht, the horizon covered in a pall of smoke.

Most of the area was covered by an initiative known as the Tomintoul and Glenlivet Landscape Partnership ([see here](#)). Between 2016 and 2021 the Cairngorms National Park Authority secured £3,594,553, almost all from the Heritage Lottery Fund, for the Partnership which covered 200 square kilometres of land owned by the Crown Estate within the Moray Council area . A report on the project, one of the aims of which was *“To take action to restore, conserve and enhance important natural and built heritage features for a sustainable future”*, is to be considered by the CNPA Board next week ([see here](#)). While supporting a whole host of worthy community initiatives – c20 projects in all – the Landscape Partnership did nothing explicitly to address the muirburn which is the biggest single influence on the degraded landscape of the area, releases carbon into the atmosphere and harms biodiversity.

The two conservation projects that did take place under the auspices of Landscape Partnership both promoted sporting estate interests. There was a waders and wetland project, useful for those who argue that intensive grouse moor management and muirburn are good for birds like curlew . This was

managed by the RSPB, enabling the Crown Estate to avoid any unnecessary expenditure on conservation. The second project was to restore damage done to the water environment of the Spey Catchment. This has been caused in large part by the way sporting estates have managed the land (overgrazing and muirburn). Having wrecked their own fishing, the Crown Estate cleverly managed to get the public to pay to repair part of the damage.



The view from the north to Ben Avon (note the tor) and a fire above the River Avon, one of the tributaries of the River Spey. Parkswatch reader, March 2020.

Meantime, another reader's photo shows that further up the River Avon, the destruction continues.

Instead of tokenistic conservation projects, we need a joined up approach to carbon and nature conservation across the National Park. It should be cause for reflection for everyone who cares about



conservation in Scotland that in the year Scotland hosts the Climate Change conference, the Cairngorms National Park Authority is allowing so much of the National Park to go up in smoke.

**Category**

1. Cairngorms

**Tags**

1. access rights
2. CNPA
3. conservation
4. muirburn
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