

Reckless & dangerous but still no plans to ban muirburn at times of high fire risk

## Description



Muirburn viewed from Ettrick Bay, on the Isle of Bute, Tuesday 8th April. If you had been in the area south of Tighnabruach or on Kintyre on Tuesday you could have been choking on the smoke – muirburn is also a public health issue. Photo credit Richard Bennett.

Its not just grouse moor managers in eastern Scotland who have been ignoring the warnings from the Scottish Fire and Rescue Service (SFRS) of very high fire risk ([see here](#)) and ([here](#)) but also some farmers/crofters and stalking estates on the west. Richard, who sent this photo, commented that it looked like the firea bove got out of hand as fire engines were seen racing in its direction. It was later confirmed in the media ([see here](#)) that there had been a large grass fire on Bute, covering more than a square mile, which required four fire engines and their crews to control it. While SFRS did not comment on the cause of this fire, so it could have been caused for example by a cigarette thrown from a car window (it was by the A844) muirburn was being conducted on Bute two days earlier:



Looking North from Rothesay Sunday 6th April. You can see on the left above the houses three separate fires, clearly not an accident and the extent of the smoke pollution.

It may come as a surprise to many readers but there is nothing in the current Muirburn Code which advises landowners and landowners against lighting fires at time of very high fire risk despite stating:

*“Fires escaping from muirburn are a major cause of wildfire in Scotland. Fires can escape for many reasons including: inadequate firebreaks, staff or equipment, or because muirburn has been undertaken under the wrong conditions.”*

The only advice contained in the current Muirburn Code is in the “Burning Day Checklist” under weather conditions where it advises land managers to:

Weather conditions	<p>Obtain a weather forecast</p> <p>Is the weather suitable for burning now and how is it expected change during the day? The wind speed should not be above Force 3, 13-19 km/hr (8-12 mph).</p> <p>Is the condition of the vegetation suitable for burning safely?</p> <p>Decide where to burn in the expected weather conditions. If conditions change, re-assess.</p>
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Extract from current Muirburn Code – NatureScot is now proposing to delete the underlined words

It would be interesting to know if anyone at the Scottish Government, NatureScot, the SFRS or the Cairngorms National Park Authority believes that “the condition of the vegetation” across Scotland has been “suitable for burning safely” the last couple of weeks until the rain arrived yesterday. Unfortunately the “advice” in the Muirburn Code, produced by Scotland’s Moorland Forum in 2021, is not explicit and leaves it to practitioners on the ground to judge what is safe to burn on the day, even during lengthy periods when fire warnings are in place. That is a recipe for disaster when some muirburn practitioners’ believe they know best and many of their jobs depend on unsustainably inflating the numbers of livestock and grouse through burning.

The Wildlife Management and Muirburn (Scotland) Act 2024 missed the opportunity to create new criminal offences in respect of muirburn, such as setting fire to the countryside at times of high fire risk, and instead introduces a licensing scheme based on a revised Muirburn Code. Clause 18 of the Act explicitly states that code might *“include provision as to—..... the times of day muirburn may be made”* but says nothing about provisions to deal with periods of high fire risk.

Readers who have followed Raptor Persecution UK’s exposure of how NatureScot has undermined the provisions of the Grouse Moor licensing scheme ([see here](#)) may not be surprised that they now appear to be doing the same with the muirburn licensing scheme . A revised version of the Muirburn Code, which will provide the foundations of the licensing scheme, is out for consultation until 28th April ([see here](#)). This has removed the reference to the risk of “fires escaping from muirburn” being a “major cause of wildfire in Scotland” and still says nothing about muirburn during periods when the SFRS has issued warnings of high fire risk:

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Weather conditions	Obtain a weather forecast
	Is the weather suitable for burning? Has the weather changed during the day? Has the wind direction changed? Has a threat of rain been identified?
	<u>Fire Danger Rating system</u>
	Is the condition of the vegetation suitable for burning?
	Decide where to burn in the light of the weather conditions. If conditions change, re-assess the risk.

The advice on burning safely is still contained in the Daily Checklist on Weather conditions. The blue

Moreover, the revised section on weather conditions in the proposed new code would, if approved by Scottish Ministers, hand even more discretion to muirburn practitioners to make their own decisions, such as lighting fires at times of high risk. The reference to not burning in winds over Force 3 (8-12mph), as highlighted above, has been completely removed. Given the way wind fans fires, as evidenced over what has happened the last couple of weeks, that appears complete and utter madness. King Charles and his staff Balmoral, responsible for burning in high winds at Delnadamph ([see here](#)), will be delighted. They could now set fire to the heather in a Force 8 gale without any risk of losing their muirburn license.

While a reference has been added to the weather conditions checklist about whether a risk of wildfire has been identified, there are no provisions of what should happen in that case and this is NOT linked to the SFRS's fire warning system but rather to a "Fire Danger Rating system". As far as I have been able to establish this does not yet exist in Scotland but is currently the subject of a research project by the James Hutton Institute ([see here](#)). It would not surprise me if the introduction of the Muirburn Licensing Scheme is now delayed still further while a Fire Danger Rating System is developed but whether that happens or not the key point is the decision to decide whether it is safe to burn is still left to the discretion of the person on the ground and is about WHERE to burn not WHETHER to burn.

It is also worth noting here that Section 7.2 in the existing code, which is about "Muirburn for Grazing Management", has been completely removed along with the statement about the risks associated with grass fires:

### **Risks:**

- Grass fires have a fast rate of spread and react quickly to changes in wind direction or speed.
- Grass fires can breach firebreaks through direct heat transfer, flying embers (spotting) creeping across short vegetation.

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- Dead grass is a fine fuel that can dry out quickly, often in less than one hour, and this leads to significant increases in the rate of spread and fire intensity.
- Insufficient preparation of firebreaks, staff or equipment creates a significant risk of v Fires of this type can destroy large areas.
- Burning in a small area, in a single year, may result in a 'honeypot effect', causing local overgrazing and poaching.

One could hardly come up with a better explanation of why the fire on Bute on Tuesday got so out of control and burned so large an area and why stronger controls are needed. Instead of doing that, however, the revised Muirburn Code will make it even easier for land managers to light fires in dangerous conditions. The consequences are predictable.

## **The SFRS shackled and gagged**

After the 90 or so fires last weekend ([see here](#)) an SFRS spokesperson was quoted as saying: .

*“As the warm and dry weather continues, so too does the risk of wildfire, and so we are asking the public to exercise extreme caution and think twice before using anything involving a naked flame.*

*“Responsible human behaviour can significantly lower the chance of a wildfire starting, so it is crucial that people act safely in rural environments and always follow the Scottish Outdoor Access Code.”*

No mention of muirburn! The Scottish Outdoor Access Code explicitly advises the public to heed warnings from the SFRS but says nothing about responsible behaviour on the part of landowners. And SFRS can't refer to the Muirburn Code instead because, as I have shown, it allows landowners to conduct muirburn whatever the fire risk!

Within this context it is significant the SFRS do not publish information about the causes of wildfires in Scotland, despite research through their records in 2018 finding no less than 60% of wildfires reported to them may have been caused by out of control muirburn! [Luxmoore, R. 2018. The relationship between prescribed burning and wildfires: an analysis of wildfire occurrence in the Scottish uplands. National Trust for Scotland].

The Scottish Fire and Rescue Framework ([see here](#)) set by Scottish Ministers in 2022 requires SFRS:

*“to continue to place a strong emphasis on partnership working and engaging with various agencies and groups in the rural and land management sectors to capitalise on its existing networks, expertise and influence (such as the Scottish Wildfire Forum.....)”*

The Scottish Wildfire Forum is chaired and administered by SFRS and its Deputy Chair is Michael Bruce, the man who burned down part of the Caledonian Pinewood at Glen Tanar when practising muirburn there ([see here](#)). Landowning and sporting interests are heavily represented on its Executive Committee ([see here](#)) and include representatives from the Scottish Gamekeepers Association and Scotland's Regional Moorland Groups.

While there are serious questions to be asked about how landowning interests are using this group is being used to influence policy on wildfires in Scotland, for example through the conference they held at the end of last year ([see here](#)) which was organised by the Heather Trust and promoted muirburn as a way of reducing wildfire, the more immediate point is that there would be considerable political fallout if SFRS criticised fellow members of the forum. Moreover, as a result of public sector cuts the SFRS is now dependant in many areas from the local workforce who conduct muirburn to put out wildfires, including ones they start!

The result of all this and the wording of the Muirburn Code is that the SFRS has been effectively gagged by landowning interests. It is time, perhaps, for the Fire Brigades Union to speak out.

## Category

1. Other parts Scotland

## Tags

1. landed estates
2. muirburn
3. Scottish Government

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