

Reckless, incompetent and damaging muirburn in the Cairngorms National Park  
â?? time for a complete ban

## Description



Muirburn on the east side of the A83 north of Spittal of Glen Shee on land owned by the Invercauld Estate

Last Tuesday, on a day when the Scottish Fire and Rescue Service had issued very high fire risk warnings for the whole of Scotland, I drove up to Braemar to spend a couple of days in the Cairngorms. The muirburn I had commented on in a post previously ([see here](#)) was continuing on both sides of Glen Shee and over the pass into Glen Clunie beyond on the way to Braemar.



Looking back towards Spittal of Glen Shee, from the scenic routes viewpoint at the Devil's Elbow. The land on the west side of the A83 in Glen Shee is owned by Rhiedorrach Estates LLP. The haze was caused by the smoke.

On the way up to the Devil's Elbow, Rhiedorrach Estates had been carrying out muirburn right next to the A83:



Recent muirburn by the A83, the fence marks the boundary with the road

Such muirburn is contrary to both the current Muirburn Code and the proposed new version being consulted on by NatureScot, both of which state “You MUST NOT Burn within 30m of a public road”.

Judging by the way the muirburn has crossed over the fence it appeared the fire got out of control, hardly surprising given the very dry and windy conditions over the previous two weeks.



The muirburn on the left had been started at around the same altitude as that on the right. Note the postage stamp planting enclosures along the river in the foreground.

From the Glen Shee ski centre northwards the land on both sides of the A83 is owned by Invercauld Estate. There were two fires on Strone Baddoch, on the west side of the road. Under the Moorland Code a minimum of three people are supposed to form burning teams. I did spot three through my binoculars, two by the upper fire which appeared to have raced up the hillside before being brought under control, and one by the lower which appeared to be burning across a broad front:



The lower fire with the place where the upper fire was started visible left foreground.

There was no way the two people working to direct the upper fire could help the person by the lower fire to do so and no sign of heather mowing which is now often used to help keep muirburn within fixed boundaries.



The photo provides a great example of how the CNPA is driven by sporting land-use rather than conservation. From a public interest perspective paying Invercauld to plant trees along the river while burning the land above (and sometimes around the trees) is totally incoherent. From a sporting estate perspective, however, this makes perfect sense. Both the planting and the burning are to improve the "sport", in the first case the fishing, in the second the grouse shooting.

Two days later I drove back past Strone Baddoch. The muirburn on the lower, less steep ground had been contained and had resulted in patches. That on the steeper ground had run up to the skyline and created strips denuded of vegetation (which will facilitate more rapid water run-off raising flood levels below) :



The burned strips above the patches

There is a good explanation for the difference between what is shown in the two photos in the current (voluntary) Muirburn Code which, as a consequence, advises against muirburn on slopes over 27°:

### **Steep hillsides and gullies**

- Fires burning uphill on steep slopes are more difficult to control.
  - Burning on a slope greater than 1 in 3 (18°) should only be carried out by experienced practitioners using appropriate techniques and equipment.
  - Slopes steeper than 1 in 2 (27°) should be avoided altogether.
- Burning in gullies should be avoided; they can act like chimneys, drawing air upwards and increasing fire intensity. Gullies are also important for biodiversity.
- Avoid burning into scree slopes to avoid damaging lichen and destabilising the scree.

The revised Muirburn Code, out for consultation by NatureScot ([see here](#)), has removed all reference to the dangers of burning on steep slopes and changed what will become a statutory requirement to:

- *Do not burn on slopes steeper than 1 in 1 (>45 degrees).*
- *Only burn on a slope greater than 1 in 2 (>27 degrees) if you are experienced and use appropriate technique*

No justification has been provided for these proposed changes and the best explanation for them is that NatureScot, like the CNPA ([see here](#)), the Scottish Fires and Rescue Service ([see here](#)) and Scottish Government are all basically under the thumb of Scotland's sporting estates. All should basically take a look at the evidence on the ground.



On the way home I took my niece, who was with us, up the Cairnwell chairlift for a bit of very easy hillwalking (and to support a company whose enterprise contrasts with HIE at Cairngorm Mountain). It was very windy on top as per the weather forecast - I estimated the winds were 40pmh - but to the south Rhiedorrach was still being burned and the smoke was being blown across across Glen Shee and the A83 (its completely foolhardy that NatureScot is proposing to remove any reference to a maximum wind speed for muirburn from the new Muirburn Code ([see here](#))).



Recently incinerated crags opposite the Cairnwell at the head of the corrie between it and Carn nan Sac. The corrie up to the summit ridge is owned by Rhiedorrach Estates.

Looking west from just below the summit we spotted this shocking example of what can happen when muirburn gets out of control and is conducted on steep slopes. The muirburn has triggered a wildfire that has run up and across the crags and even appears to have jumped over the boundary with Invercauld at the top.



The arrow marks a place where the fire has jumped, possibly over the boundary with the Invercauld Estate.

Having walked this ridge several times in summer I know it once provided one of the best places to see breeding golden plover and ptarmigan in Scotland. Now part of their feeding ground has been destroyed, along with the refuge which the crags provided for plants from grazing deer.

Even NatureScot's proposed new version of the Muirburn Code states:

*Do not burn where vegetation is kept short by high winds (wind clipped) and where burning risks removing vegetation cover, leading to erosion. This includes summits (the highest point of a hill or mountain) or ridges.*

Burning like this should at the very least be a criminal offence but unfortunately at present there appears to be no monitoring by public authorities of extremely damaging wildfires like this and I doubt it has even been registered with the SFRS and CNPA (I will check).

The last financial statements for Rhiedorrach Estates LLP (for the year until 31st March 2024) state it employed no staff so it may be that contractors caused this destruction. Responsibility, however, lies with the two people who own Rhiedorrach Estates LLP, whose registered address is in Staffordshire: Mrs Heather Johnston and Mr Wayne Douglas Johnston. In my view they are not fit to own this land. Unfortunately, the latest Land Reform Bill being considered by the Scottish Parliament offers no

solutions to the ongoing destruction of the land in Scotland by sporting interests.

Worse, the Scottish Government is actually paying significant sums of money to Mr and Mrs Johnston, including for "forest area viability" and "greening purposes":

## Payment Details

**Beneficiary Code:**

**Beneficiary Name: RHIEDORRACH SPORTING LLP**

**Town/ City: INVERNESS**

**Postcode: IV2**

**Year: 2023**

MEASURE DESCRIPTION	PAYMENT
Investment in forest area development and viability - UK funded	£3,332.52
Basic payment scheme - UK funded	£35,617.65
Greening - UK payments - UK funded	£16,855.35
Other direct aids - UK funded	£11,227.98
Investment in forest area development and viability	£38,708.96
Payments to areas facing natural constraints - UK funded	£3,339.28

The current Muirburn Code states under Section 2.5. Public Funding and Payments "Conditions:

"Under cross compliance, recipients of direct support payments (e.g. Basic Payment Scheme) have to meet certain requirements known as Good Agricultural and Environment Conditions (GAECs), some

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*of which relate to the Muirburn Code. Failure to meet these requirements can result in a reduction being applied to support payments?*

Anyone who has read my last few posts on muirburn and the Muirburn Code will not be surprised to learn that NatureScot has removed all references to cross-compliance from its proposed new version of the code. One wonders whether there has been a single example in Scotland of the Scottish Government reducing support payments to sporting landowners because of their failure to meet the requirements of the current Muirburn Code?



A couple of hours later after a walk over Carn Aosda where we saw a golden plover and a coffee in the Glen Shee Cafe we drove back down Glen Shee. The burning on Rhiedarroch was continuing and the smoke still billowing across the road. Those directly responsible appear to care little for their own health, that of fellow humans or the waders returning to breed let alone the wider environment but probably have no choice. Do birds like humans get lung cancer from smoke? What is Transport Scotland doing to stop this disgrace?

While I would encourage anyone concerned about wildfire to respond to NatureScot's consultation on the Muirburn Code ([see here](#)) urging them to strengthen it rather than weaken it as they propose, muirburn licensing was never going to address the real problem. We need to ban muirburn completely (creating fire breaks to limit wildfires is a completely different issue and does not need to start with fire). Sporting estates, which exist to provide private pleasure to those who enjoy killing other creatures rather than value nature, will never voluntarily act in the public interest or abide by any code if its not in their interests to do so.

The Scottish Government should start to use its powers to compulsorily purchase sporting estates which have proved themselves incapable of managing the land responsibly. A good place to start would be all those estates that have carried on with muirburn in National Parks and other protected areas despite the warnings of high risk from the SFRS. What's been happening at Rhiedarroch should

provide the Scottish Government and the CNPA with all the evidence they need to act.

## Postscript

After writing this post my attention was drawn by Raptor Persecution UK to this excellent article by Tom Bowser in the National ([see here](#)). All Tom Bowser's arguments are equally applicable to the way NatureScot is approaching muirburn licensing.

## Category

1. Cairngorms

## Tags

1. CNPA
2. muirburn
3. NatureScot
4. Scottish Government

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