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## Briefing Note: Muirburn and the Climate Change (Scotland) Bill

### Concerns over original Bill

The Climate Change (Scotland) Bill gives Ministers the power to vary muirburn dates in Scotland so as to address climate change issues <sup>(REF1)</sup>. We are highly concerned that the powers, as laid out in the original Bill, could result in a reduced period for conducting muirburn in Scotland. We felt this would be unwise for reasons laid out below and made representations to Scottish Government and the Rural Affairs Committee on this basis.

### Stage 2 amendment welcomed

Thus we were delighted that the Minister proposed a Stage 2 amendment to the Bill <sup>(REF2)</sup>. This amendment, supported by Scotland's Moorland Forum, would protect the number of days available to burn in a season. The likely practical implications of the amendment are to extend the muirburn season into the autumn if the season is curtailed in the spring. This is welcomed by Scotland's moorland managers, farmers and other conservationists who deliver climate change adaptation through muirburn.

### Amendment addresses conflict with research findings

This amendment is vital because the muirburn proposals in the original Bill were in conflict with the best available research. These studies suggest that reducing the muirburn season could actually damage Scotland's ability to protect many parts of its environment from the worst effects of climate change <sup>(REF3)</sup>.

### Amendment reduces risk of Wildfire and protects Carbon Storage

The most significant effect of reducing the muirburn season without an autumn extension would be to greatly increase the risk of damage by wildfires to carbon-storing soils. This would occur because land managers would have less time available to remove fuel (dead and living heather and grass) from moorland habitats and create landscape scale firebreaks. These two actions are essential in limiting wildfires, particularly those caused in summer by accidental or reckless, non-management actions, which can be very hot and penetrating. Such fires are wholly different to the cool controlled muirburn conducted by moorland managers. Wildfire damage to peat soils can immediately release greenhouse gases (Methane and Carbon Dioxide). Additionally intense fires can leave peat soils liable to erosion, increasing the risk of flooding. All these processes can result in losses of stored carbon and lower future carbon storage capability, compromising the aims of the Climate Change Bill.

### Amendment reduces risk to Natural Heritage

Reducing the muirburn season would also lead to Scotland's land managers having fewer tools with which to protect and enhance our natural heritage. Summer wildfire, high fuel loads and a lack of firebreaks, can increase the risk of destruction of bird's nests, young mammals and valuable habitats. Furthermore, research suggests that many species under threat from 'range shift' as a result of climate change rely on vegetation regeneration following muirburn to provide them with the food and cover they need as a buffer against change; the amber listed red grouse and golden plover are good examples. A shortened muirburn window would compromise management for these species in the face of climate change, with consequent social and economic effects.

**In conclusion, we commend this key amendment <sup>(REF2)</sup> to the Climate Change Bill to MSPs and would welcome enquiries from those who seek further information in advance of the debate on the Bill in early May.**

## Annexe: References

### Reference 1:

Muirburn (In Climate Change Bill)

#### 46 Variation of permitted times for making muirburn

After section 23 of the Hill Farming Act 1946 (c.73) (prohibition of muirburn at certain times), insert—  
“23A Power to vary permitted times for making muirburn

(1) The Scottish Ministers may, by order, specify such dates as they consider appropriate as the dates before which or after which it is lawful to make muirburn in any year.

(2) Where such an order has effect, section 23 applies as if the dates specified in the order were substituted for the dates mentioned in subsection (1), (2) or, as the case may be, (3) of that section.

(3) The Scottish Ministers may make an order under subsection (1) only if they consider it necessary or expedient to do so in relation to climate change.

(4) The power conferred by subsection (1) is exercisable by statutory instrument.

(5) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of the Scottish Parliament.”.

### Reference 2:

Muirburn – Stage 2 amendment

“It is Scottish Ministers intention to bring forward an amendment to section 46 of the Bill (which contains a new section 23A of the Hill Farming Act 1946), so the order making power is subject to affirmative parliamentary procedure, and so that the power cannot be exercised so as to reduce the current number of days comprising the permitted muirburn season.”

### Reference 3:

G. Matt Davies, Alan Gray, Alistair Hamilton and Colin J. Legg (2008) The future of fire management in the British uplands. *International Journal of Biodiversity Science and Management* 4: 1–21