



For decision

Title: Seasonal Fire Management Byelaw

Prepared by: Grant Moir, Chief Executive Officer

Strategic context

1. The National Park Partnership Plan has two relevant sections providing strategic context for this work.
 - a) A7 – Fire Management: Develop and agree a National Park approach to campfires and barbecues.
 - b) Policy C4 (d) – Reducing fire risk by limiting or excluding barbecues and open fires in key areas of the National Park, such as in areas of woodland and peatland.
2. The consultation earlier this year showed a large majority of respondents in favour of a fire management byelaw and gave the Park Authority a strong mandate for change.
3. The Park Authority board agreed on 28 June 2024 to develop a seasonal fire management byelaw from 01 April to 30 September each year for formal consultation this Autumn.
4. The previous board paper can be found [here](#).

Purpose

5. This paper sets out the wording for the seasonal fire management byelaw that will be consulted on subject to board approval for 12 weeks starting on 23 September 2024. Following that consultation members will be asked in January 2025 to agree the final wording for submission to Scottish Ministers for approval.

Recommendations

The Board is asked to:

- a) Agree the wording of the fire management byelaw for a 12-week statutory consultation as per the National Park (Scotland) Act 2000.



Strategic policy consideration

6. There are a few issues to highlight with the wording set out in Annex 1.
7. **Dates** - The ability of the Park Authority Board to change the dates that the byelaws cover is constrained by the legislation. If the Board in the future wish to change the agreed dates, then it will need to go back out to consultation and follow the established statutory process.

The evidence that the Park Authority has is that recreational fires are low in March and October and so the dates of 01 April to 30 September are the most appropriate for the byelaws. Operationally seasonal staff do not normally start until 01 April on the ground and so any movement of the date to earlier would have a financial cost to the Authority. The Park Authority will keep this under review, and it will form a part of our monitoring of the byelaws and any formal review in the future.

8. **Formal Outdoor Groups** - The provisions of clauses 4(d) and 5(c) cover scout groups, outdoor education groups etc provided they are on private property and have the approval of the landowner.
9. **Farming** - The provision of Clause four(d) covers a farmer burning stubble in his fields or having a farm bonfire on his own land – or on someone else's land with their permission.
10. **Muirburn** - Clause four only creates an offence where a person lights a fire, etc. without lawful authority, any burning in terms of a muirburn licence would be excluded – the muirburn licence being the lawful authority.

Timescale and next steps

11. If the Board approve the recommendation a formal consultation will start on 23 September 2024 for 12 weeks.
12. Following the formal consultation, the Board will consider the feedback and agree the final byelaw wording to be submitted to Scottish Ministers in January 2025.
13. The earliest implementation date is likely to be 01 June 2025 for the byelaw to allow signage, communications and Scottish Ministers approval to be factored in.



Annex 1

Fire management byelaw

General

1. The Cairngorms National Park Authority, constituted under the National Parks (Scotland) Act 2000 and the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, and having its principal offices at 14 The Square, Grantown-on-Spey, Moray, PH26 3HG (“the Authority”), in exercise of the powers conferred upon it by Paragraph eight of Schedule Two to the National Parks (Scotland) Act 2000 hereby makes the following byelaws:

Citation and application

- a) These byelaws may be cited as The Cairngorms National Park Fire Management Byelaws 2025.
- b) These byelaws shall apply between the dates of 01 April and 30 September in each calendar year (both dates inclusive) within the Cairngorms National Park (“the National Park”).

Definitions and interpretations

2. In these byelaws, the following words, phrases and expressions are printed in bold wherever they appear, and they have the interpretation and meaning hereby assigned to them, respectively:
 - a) “Avoidable damage” means any damage resulting from fire where that fire that has not been properly planned, controlled and / or managed in recognition of the local ground terrain, vegetation, accessibility and weather conditions between the time of ignition to when the fire is fully extinguished.
 - b) “Barbecue” means an appliance or rack on which food is cooked out of doors over an open fire and shall include a disposable barbecue, whether manufactured as such or otherwise. It shall not include a gas barbecue.
 - c) “Bothy” means a building of no more than two storeys which:
 - i. Does not have any form of mains electricity, piped fuel supply and piped mains water supply.
 - ii. Is 100 metres or more from the nearest public road (within the meaning of Section 151 of the Roads (Scotland) Act 1984).
 - iii. Is 100 metres or more from the nearest habitable building.



- d) "Curtilage" means land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way.
- e) "Dwellinghouse" means a residential property, including a building containing one or more flats, or a flat contained within such a building.
- f) "Fireplace" means a structure (including wood burning stove) that is designed to contain a fire and is made of brick, stone, metal or any other material.
- g) "Land manager" means:
 - i. A landowner, tenant or partner lawfully authorised by or on behalf of such landowner or tenant to manage land within the National Park; and
 - ii. in the case of a landowner, tenant or other person that is a body corporate or unincorporated body, any individual who has the power to control the affairs of that body, by whatever means.
- h) "Landowner" means the owner of any land or building within or connected to the National Park.
- i) "Licensed" means holding a valid licence issued under the Caravan Sites and Control of Development Act 1960.
- j) "Occupier" means any person who is occupying a dwellinghouse or property with the consent of the landowner.
- k) "Partner" means a sporting partner engaged in the management of any land within the National Park.
- l) "Property" includes both land and built infrastructure.
- m) "SFRS" means the Scottish Fire and Rescue Service (SFRS), established in terms of the Fire (Scotland) Act 2005 and its statutory successors.
- n) "Tenant" means the tenant of any land within the National Park leased or let to such tenant under a lease of one year or more.

Fire

- 3. It shall be an offence under these byelaws for any person without lawful authority to light a fire in the National Park, or place or throw or let fall a lighted match, firework or any other thing so as to be likely to cause a fire, unless the fire is wholly contained:
 - a) Within the curtilage of a private dwellinghouse and is under the control of the landowner, tenant or occupier of the dwellinghouse so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.
 - b) In a fireplace in a bothy so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.



- c) In a licensed caravan site so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has permission from the owner of the site and is not taking place during a time of high fire risk, as determined by SFRS.
 - d) Within private property, is under the control of the landowner, tenant or occupier of the property so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has the consent of the landowner and is not taking place during a time of high fire risk, as determined by SFRS.
4. These byelaws shall not prevent the use of a camping stove manufactured as a camping stove or cooker, provided it is used in such a manner as not to cause danger of, or damage by, fire.

Barbecues

5. It shall be an offence under these byelaws for any person without lawful authority to light or use a barbecue anywhere in the National Park, unless the barbecue is wholly contained:
- a) Within the curtilage of a private dwellinghouse and is under the control of the landowner tenant or occupier of the dwellinghouse so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.
 - b) In a licensed caravan site so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has permission from the owner of the site and is not taking place during a time of high fire risk, as determined by SFRS.
 - c) Within private property, is under the control of the landowner, tenant or occupier of the property so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has the consent of the landowner, and is not taking place during a time of high fire risk, as determined by SFRS.
6. These byelaws shall not prevent the use of a gas barbecue, provided it is used in such a manner as not to cause danger of, or damage by, fire.



Provision of details

7. It shall be an offence under these byelaws for any person to refuse to provide their full name and address to any person authorised in writing by the Authority who has reasonable grounds for believing that such person has committed an offence under these byelaws.

Penalties and offences

8. No person shall obstruct any person authorised in writing by the Authority in the execution of their duties in relation to these byelaws.
9. Any person who contravenes any of the foregoing byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Level two on the Standard Scale in respect of each offence.