



Cairngorms Local Outdoor Access Forum

Title: Seasonal Fire Management Bylaw

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Purpose

Since the Local Outdoor Access Forum (LOAF) meeting in June, the Cairngorms National Park Authority Board has approved the principle of a seasonal fire management bylaw. The Board subsequently approved a public consultation on the formal wording of the fire management bylaw (see annex 1) at their meeting on the 13th of September. The public consultation on the draft wording started on the 23 September and will continue until 16 December 2024. LOAF Members are invited to comment and advise on the wording of the bylaw.

Background

Earlier this year, the Park Authority consulted on the potential introduction of a fire bylaw. Over 1,600 people took part, with 79% supporting the introduction of a bylaw, 16% against and 5% unsure. The Park Authority did not express a preference during this consultation, but the results gave the Park Authority a mandate for change.

Drawing on feedback from the general public, landowners and partners, the Park Authority board agreed on 28 June 2024 to develop a seasonal fire management bylaw, which would last from 1 April to 30 September each year. This decision was based on feedback from the consultation, which suggested that the approach should be easy to communicate, not perceived as heavy-handed and cover the period with the greatest risk.

By law, the Park Authority must now consult on the specific wording of the bylaw, as set out in the National Parks (Scotland) Act 2000.

Strategic Considerations

A number of potential issues were raised by the Board in their consideration of the principle of a fire management bylaw. These have been addressed in the draft wording being consulted upon but two that are access related are detailed here in order to assist the LOAF in their consideration of the proposed wording as set out in Annex 1.

Dates - The ability of the Park Authority to change the dates that the bylaws cover is constrained by the legislation. Changes to dates would 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 bylaws.

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.

Timescale and next steps

1. Following the formal consultation, the Park Authority Board will consider the feedback and agree the final bylaw wording to be submitted to Scottish Ministers in January 2025.
2. The earliest implementation date is likely to be 01 June 2025 for the bylaw to allow signage, communications and Scottish Ministers approval to be factored in.



Annex 1

Fire management bylaw

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 bylaws:

Citation and application

- a) These bylaws may be cited as The Cairngorms National Park Fire Management Bylaws 2025.
2. These bylaws 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

In these bylaws, 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.
3. “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.
4. “Bothy” means a building of no more than two storeys which:
Does not have any form of mains electricity, piped fuel supply and piped mains water supply.
Is 100 metres or more from the nearest public road (within the meaning of Section 151 of the Roads (Scotland) Act 1984).
Is 100 metres or more from the nearest habitable building.
5. “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.
6. “Dwellinghouse” means a residential property, including a building containing one or more flats, or a flat contained within such a building.



7. "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.
8. "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; andin 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.
9. "Landowner" means the owner of any land or building within or connected to the National Park.
10. "Licensed" means holding a valid licence issued under the Caravan Sites and Control of Development Act 1960.
11. "Occupier" means any person who is occupying a dwellinghouse or property with the consent of the landowner.
12. "Partner" means a sporting partner engaged in the management of any land within the National Park.
13. "Property" includes both land and built infrastructure.
14. "SFRS" means the Scottish Fire and Rescue Service (SFRS), established in terms of the Fire (Scotland) Act 2005 and its statutory successors.
15. "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

It shall be an offence under these bylaws 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.
16. In a fireplace in a bothy so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.
17. 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.
18. 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.



These bylaws 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

It shall be an offence under these bylaws 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.
19. 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.
20. 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.

These bylaws 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

It shall be an offence under these bylaws 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 bylaws.

Penalties and offences

No person shall obstruct any person authorised in writing by the Authority in the execution of their duties in relation to these bylaws.

Any person who contravenes any of the foregoing bylaws 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.

