



For decision

Title: Seasonal Fire Management Byelaw

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Strategic context

1. The National Park Partnership Plan has two sections that provide the 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. An initial consultation on whether a byelaw should be introduced to manage fires and barbecues in spring 2024 showed a large majority of respondents in favour of a fire management byelaw and gave the Park Authority a strong mandate for change. The Park Authority board subsequently agreed to develop a seasonal fire management byelaw.
3. As required by the legislation, a further public consultation on the draft wording was carried out from 23 September to 16 December 2024. Details of the consultation process including the consultation document and proposed wording can be found [here](#).

Purpose

4. This paper updates board members on the responses to the consultation and includes a revised proposal for the wording of the byelaw. Following approval of a final wording by the Board, the proposed byelaw will be submitted to Scottish Ministers for approval.



Recommendations

5. The Board is asked to:
 - a) Note the matters raised during the public consultation and the proposed responses to these and,
 - b) Agree the revised wording of the fire management byelaw for submission to Scottish Ministers for approval as per the National Park (Scotland) Act 2000.

Stakeholder engagement

6. Stakeholder engagement has been undertaken throughout the development of the fire byelaw proposals. Of particular note is recent engagement with Police Scotland, the Scottish Fire and Rescue Service and the Scottish Wildfire Forum on practicalities around the introduction and enforcement of any byelaw which was undertaken in parallel with the public consultation.

Implications

7. While there are no significant implications arising directly from the consultation process, subsequent implementation of a seasonal fire byelaw will have resource implications in terms of finances and staffing. The draft budget for 2025/26 to be presented to the board in March 2025 has been prepared with resource to cover implementation costs. This includes signage and communications as well as additional ranger time during summer 2025 and training for Park Authority and partner rangers to ensure that there are staff on the prepared for implementation of a byelaw. The Park Authority's good relationship with Police Scotland will continue throughout the year and implementation of a fire byelaw both in terms of the joint patrols between rangers and police officers at key sites and times, and the advice and training for staff on practical enforcement and implementation.

Consultation Summary

8. **Responses:** The online survey on the draft wording of a byelaw received a total of 109 responses. With 47% residents and 43% visitors, 58% male and 42% female and 12% from partner organisations or communities there was a reasonable balance of respondents. Written responses were received from a further 10 individuals or organisations and direct discussions were held with Police Scotland, the Scottish Fire and Rescue Service and the Scottish Wildfire Forum. Further details on the responses are given in Annex 1.



9. **Level of support for the proposed wording:** 58% of respondents agreed with the draft wording, with 17% disagreeing with it and the remainder saying “don’t know” or not responding to this question.
10. **Suggested changes to the wording:** 47 respondents answered the question “Do you propose any changes to the wording as set out in the fire byelaw consultation document?” but of those, only 24 (22%) actually suggested specific changes with others either responding “No” or seeking clarification on elements of the wording. Any suggestions made in the additional written responses were also considered at this stage. To aid the analysis, responses were grouped together under five themes:
- a) Definitions
 - b) Inconsistency or potential ambiguity
 - c) Nature of the offence
 - d) Period for which byelaw applies
 - e) Enforcement

Each suggestion was then considered in turn and, where deemed appropriate, accepted. A complete list of suggested changes and the action relating to each is given in Annex 2.

11. **Further comments on the proposed wording:** 37 respondents (34%) made a comment in response to the question “Do you have any other comments on the proposed byelaw?” with some making points that were relevant to the draft wording and as such these were also included in the analysis. Some respondents took this opportunity to indicate support for, or opposition to the principle of a byelaw and as with the earlier consultation comments reflected very diverse views ranging from “long overdue” to “draconian”.

Revision to the wording

12. Following consideration of the suggestions made in consultation responses and in discussion with Police Scotland and with the advice of the Park Authority’s legal advisers the proposed wording of the byelaw has been revised and is attached as Annex 3.

Further Considerations

13. The written submissions also included the suggestion that to address issues around using high fire risk periods as part of the byelaw a risk assessment approach should



be used by landowners. The revised byelaw proposed in Annex 3 removes the high fire risk elements of the byelaw and is simple to understand and implement. Nevertheless, a risk assessment approach for exempted activities that are undertaken or permitted by land or property owners remains a sensible approach for them. Rather than trying to deal with a complex and often site or area-specific and time-specific risk through a byelaw, officers are of the view that we can continue our approach of supporting landowners in their approaches to assessing risk with advice and guidance.

14. Like many other forms of legislation, the full legal wording of a byelaw is unlikely to be the most appropriate way of communicating details of what it means with the public. The communications activity referred to in section seven above will include the production of plain English guidance notes to accompany the legal wording and messaging to lead communications so that people understand the effect of the byelaw without requiring to read the legal wording in detail.

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